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IMPLEMENTATION OF THE U.S. ARMS EMBARGO
(Against Portugal and South Africa, and Related Issues)

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HEARINGS
BEFORE THE
SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS
FIRST SESSION

MARCH 20, 22; APRIL 6, 1973

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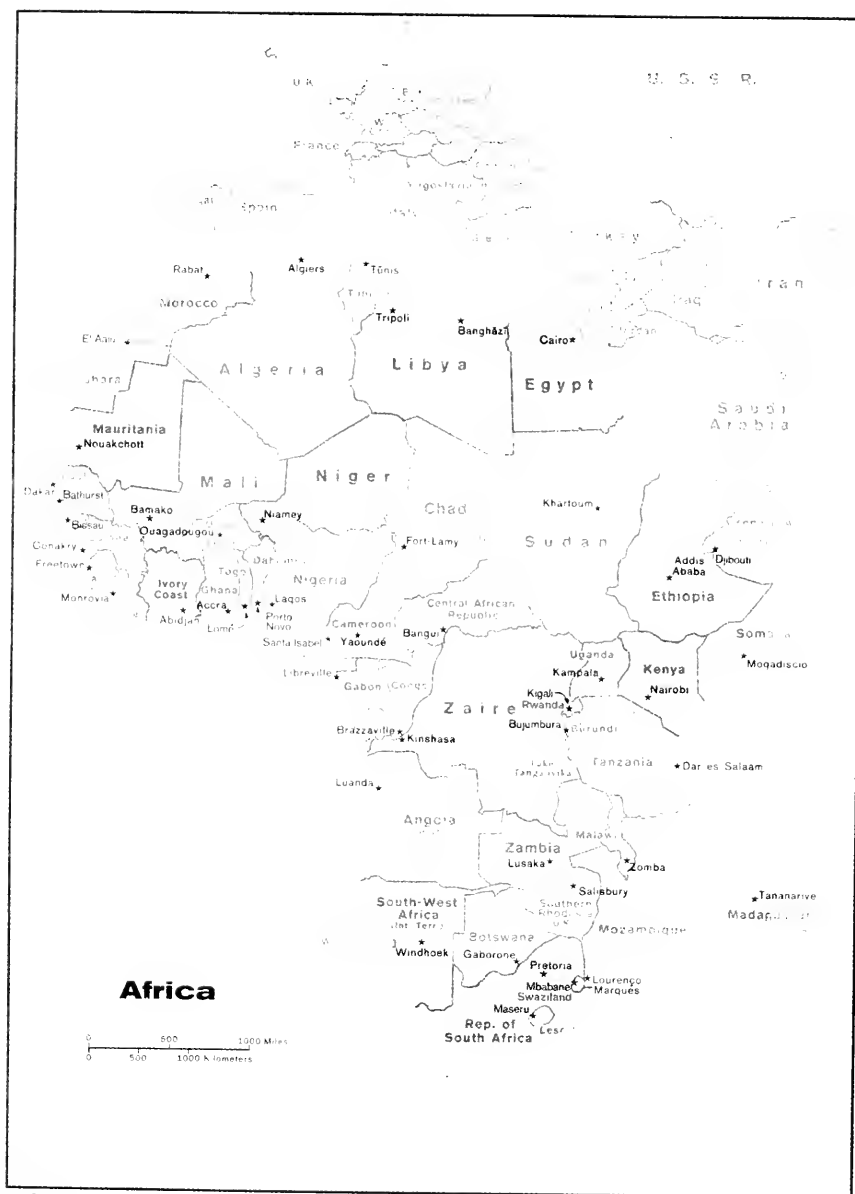
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IMPLEMENTATION OF THE U.S. ARMS EMBARGO (Against Portugal and South Africa and Related Issues)

TUESDAY, MARCH 20, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, D.C.

The subcommittee met at 2 p.m., pursuant to call, in room 2255, Rayburn House Office Building, Hon. Charles C. Diggs, Jr. [chairman of the subcommittee] presiding.

Mr. Diggs. The subcommittee will come to order.

Today we have the first of our hearings on implementation of the arms embargo against South Africa and Portugal in accordance with the international embargo set up by United Nations resolutions for which the United States voted.

These hearings will cover all aspects of possible military involvement by the United States with the South African and Portuguese regimes, namely (1) sales to the South African and Portuguese military, including communication, transport, and radar equipment; (2) sales of aircraft to South Africa and Portugal; (3) third-party componentry; (4) herbicides; (5) training of South African and Portuguese military directly or indirectly in the United States or elsewhere under private or official auspices or by correspondence courses; (6) distribution to South African and Portuguese military of Department of Defense films or of other U.S. films made for the use of the military.

I would like to insert in the record at this point my letter to the Department of Commerce asking them to testify.

[The letter referred to follows:]

MARCH 14, 1973.

HON. FREDERICK B. DENT,
*Office of the Secretary,
Department of Congress,
Washington, D.C.*

DEAR MR. SECRETARY: The Subcommittee on Africa is planning a hearing on March 20 on "Implementation of the Arms Embargo against Portugal and South Africa and Related Issues." It would be appreciated if the Department would provide a witness, who, in his prepared statement, would specifically address each of the issues involved in this hearing, the purpose of which is to review U.S. current and prospective policy and practice with respect to:

- (1) Sales to the South African and Portuguese military, including communication, transport, and radar equipment.
- (2) Sales of aircraft to South Africa and Portugal.
- (3) Third party componentry.
- (4) Herbicides.

(5) Training of South African and Portuguese military, directly or indirectly, in the U.S. or elsewhere, under private or official auspices, or by correspondence courses.

(6) Distribution to South African and Portuguese military of Department of Defense films or of other U.S. films made for the use of the military.

It would be appreciated if full data is provided in the statement on each of the points above.

I would also like to be informed as to precisely which items can be exported under general license to the South African and Portuguese military and their agents, whether directly or through an intermediary or to a civilian for end use by the military. I would appreciate a discussion of both the recent prosecution of Chrysler for supplying equipment to the military in Mozambique and the extent to which this principle is being enforced among other firms who may be making similar arrangements with authorities in the Portuguese colonies. I would also like complete particulars on each commercial undertaking in the "Portuguese territories" which have recently purchased aircraft from the U.S., that is on the consignees of U.S. aircraft. (This applies particularly to Northern Mozambique, where a network of airfields is being constructed in connection with the war against the liberation fighters.)

In connection with the increased export of herbicides to the colonies and to Portugal itself, I would like complete details of the procedures to be followed by exporters; specifically, what adjustments and changes have been made in the past four years to the lists of chemicals subject to validated licenses; and the precise nature and use of each of the chemicals in question.

I would also like to know what items have been removed in the past six years from the validated license list for Communist countries, and whether this applies also to South Africa and Portugal; in addition, what items have been removed from the list for South Africa and Portugal only.

I would like full details covering (1) policy, and (2) practice in granting or denying applications for licenses to export for end use by the South African or Portuguese Governments of: transportation equipment of all kinds; kits for transforming civilian aircraft to special uses; communications equipment; radar; and spare parts for all kinds of military equipment.

Finally, we wish to be informed on what applications for validated licenses are pending; and in particular, policy regarding the Atlantic or similar aircraft, which involve third-party componentry considerations.

I would appreciate your appending to your statement particulars (vendor, consignee, end user, statement on each item sold and the nature of such item) of (1) all validated licenses approved for sales to Portugal and South Africa over the last six years; and (2) a list of all applications for validated licenses over the same period which were either not approved or not acted upon.

The Rules of the House of Representatives require each witness to file a prepared statement with the subcommittee 48 hours in advance of his appearance. It is not possible for the subcommittee to duplicate the statements of witnesses. A minimum of 15 copies for subcommittee appearances is required; however, if the witness wishes his statement to be distributed to the press, 50 additional copies will be required.

Your cooperation is appreciated.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee on Africa.

Mr. Diggs. Now, the significance of apparently low level routine military involvement with a European power fighting a colonial war in opposition to the aspirations of the people became painfully obvious as this country was dragged into the Vietnam war through an alliance with the French.

In order to try to prevent any more Vietnam tragedies which could be disastrous to this country, it is vital that any involvement by the U.S. military personnel with the Portuguese forces in particular and with the other minority regimes in the region should be exposed to public opinion and rigorously examined in terms of our own long-range national interest.

Already, there have been disturbing reports of the complicity of our Government with the minority regimes and their armed forces through the exchange of intelligence-covering individuals or movement involved in actual or suspected resistance to minority rule, or through the training of Portuguese Armed Forces personnel in the United States, Portugal, or third countries, such as West Germany, or through exchanges of visits by military personnel and regular discussions both bilaterally and in NATO, or through the provision of arms, military equipment, and civilian items with obvious military applications, such as light aircraft, or through economic assistance, both direct as in the Azores Agreement and indirect through the tacit encouragement of American investment in minority-rule areas.

The subcommittee has had the greatest difficulty in obtaining the necessary information regarding the guidelines on the arms embargo, as well as on so-called gray-area sales made to the minority regimes and other forms of military cooperation.

The Government departments most directly involved in these issues, the Department of Defense, the Department of Commerce and the Department of State, have been slow in responding to subcommittee requests to appear.

Excessive time and energy has had to be devoted to efforts to this end. One of the issues to be discussed today is therefore the right of Government officials to withhold information relating to the implementation of the embargoes and the gray-area decisions and all other forms of cooperation with the regimes in question.

In terms of the Freedom of Information Act, we shall examine the respects in which current practices of excessive secrecy are contrary to the national interest and the law.

The Secretary of State, William Rogers, said in a recent hearing of the Foreign Relations Committee in the other body, that there were no wars in Africa. It may be that this amazing proposition is at the root of the administration's apparent lack of concern for the drift into collusion with the racist and colonialist regimes. Any observer of African affairs is aware that there are three full-scale colonial wars going on in Portugal's so-called African colonies and that there is guerrilla fighting in Zimbabwe or Southern Rhodesia and Namibia, formerly called South-West Africa, the international territory which is illegally occupied by South Africa.

Even inside South Africa, itself, there is continued resistance to the totalitarian white regime and its apartheid apparatus for oppression of the black majority.

There has been first politically motivated faction fighting in the country, ANC leaflet bombs in city centers, mass strikes in Namibia and Durban. The recent political trials, detentions without trial, deaths under interrogation, bannings of black and white student leaders, and the prosecutions of black strikers have demonstrated that the South African Government relies more than ever on the use of police terror to maintain power.

We should keep in mind during these hearings therefore, that we are dealing with a potentially explosive situation and a series of inter-linked minority regimes and that the situation, as far as the black majority is concerned, is deteriorating, making armed resistance in the eyes of many the only feasible means of asserting their universally recognized rights.

We should also bear in mind that the United Nations Charter, which justifies the aspirations of the people of Southern Africa for self-determination and human rights is a solemn treaty obligation of the United States since ratification by the Senate of the United States in 1945.

And therefore, any support that is given by agencies of the U.S. Government to the minority regimes is in direct contravention to the supreme law of the land.

Our first witness today is Mr. Bruce J. Oudes, a freelance journalist who has written extensively and authoritatively on U.S. foreign policy and particularly on policy toward Africa.

We are very pleased that he will be able to present this committee with some insights relating to the Freedom of Information Act as it relates to questions of the arms embargo against South Africa and Portugal.

Mr. Oudes, I think you have a prepared statement. You may proceed as you wish.

STATEMENT OF BRUCE J. OUDES, JOURNALIST

Mr. OUDES. Thank you. Before I begin, perhaps I might give the subcommittee some biographic information.

After graduating in 1960 from Northwestern University's Medill School of Journalism, with bachelor's and master's degrees, I joined the U.S. Information Agency, served in Africa as American press attaché in Dakar and press attaché at Lubumbashi, then called Elisabethville, in the Congo, now called Zaire. After resigning from USIA, I covered the Nigerian civil war for the Chicago Daily News Service and the BBC, as well as the visits of Hubert Humphrey and Nicholas Katzenbach to Africa. Mr. Katzenbach, at that time, was the Under Secretary of State. I recall in 1967 that he called on Eduardo Mondlane, the late leader of FRELIMO, during a visit to Dar es Salaam.

It seemed at the time U.S. policy toward this area was so firmly established that I finally concluded that such a meeting between the two constituted no news story whatsoever. It would be interesting and certainly newsworthy now, of course, were the present incumbent, the present Deputy Secretary of State, to call on the leaders of FRELIMO in Tanzania, which many in this administration now regard as a sanctuary.

I was on a fellowship at Columbia University in the year 1969-70 where I did accept, for the only time in my life, a paid trip from a foreign government. I was one of a dozen members of that international reporting seminar who visited West Germany in the spring of 1970. Incidentally, I have never written about Germany or German politics per se. I have a very strong antipathy toward journalists who accept junkets and write puffery. I have since moved back to Washington, and I have been writing for various newspapers and monthly magazines and some specialty publications on Africa, including Africa Report, Africa Today, Africa Contemporary Record, and West Africa magazine.

Mr. Chairman, and members of the subcommittee, it is about as easy for an interested member of the American public to monitor the flow of money in and out of Geneva or the Palestine Liberation Organiza-

tion in and out of Beirut as it is to follow the ins and outs of the U.S. embargoes on military exports to the Republic of South Africa or to Portugal for use in Africa.

Various spokesmen for the Nixon administration maintain that these embargoes are still firmly in place. Yet, I have very well informed sources that tell me otherwise. They say there was a national security decision memorandum issued in 1970 revising earlier guidelines so that the bureaucracy now tends to approve proposed sales that would have been rejected in previous administrations.

An arms sales ban remains, these sources say, but it is not the broad military embargo of the Kennedy-Johnson years. Which version should the American public believe?

Well, if judgment is to be rendered on the basis of the slim scraps of information that are publicly available, I am afraid the administration's statements that nothing has changed have to be taken with a dose of salt.

The facts of the matter are these: The embargoes were imposed in policy statements of the Kennedy administration in order to prevent the identification of the United States with Lisbon and Pretoria in their refusal to take effective steps toward majority rule in southern Africa.

There can be little doubt but that the motive underlying their promulgation was moral. Certainly U.S. business has lost a fair amount of exports through this unilateral self-restraint. Now, however, we see evidence daily that the Nixon administration is an era in which realpolitik and exports are emphasized. It stands to reason that there is not the same political will to enforce these embargoes as there was in the 1960's. Those who support the embargoes as well as those who are opposed should be able to agree on that point. Yet, it is also true that these embargoes have become firmly established in the popular mind as the cornerstones of U.S. policy toward South Africa and toward Portugal in Africa. They are not the kind of policies one can eliminate by executive fiat without raising questions from a lot of Americans who would not normally be interested in the subject. Thus the logical political compromise is to narrow the scope of the bans by classified directive, meanwhile publicly saying that nothing has changed. That would seem to me to be fairly politically inevitable—and nothing worthy of much notice unless the changes were rather substantial. My suspicion now is that after a long gestation period, we are now getting near the point where the narrowing of the arms embargoes is reaching significant dimension. I will share with you such scraps of information as I have that lead me to that conclusion, but let me be the first to say that I do not have evidence sufficient in and of itself to prove a case at this time.

This is the purpose of my testimony here today. I would like to obtain both congressional support for and administration cooperation in making available to the American public the guidelines and the precedents that the United States follows in determining what can and what cannot be exported to South Africa and to Portugal for use in Africa.

Both the South African and Portuguese Governments know what they can and cannot hope to obtain from the U.S. American corporations that produce equipment that might be questioned under the arms

embargoes undoubtedly have a good idea which way the wind is blowing from confidential conversations with U.S. officials who handle embargo questions. Only the American public is kept in the dark.

I believe it is time that the scope of the secrecy which surrounds the arms embargoes be sharply reduced. I would hope, Mr. Chairman, that the administration witnesses that are scheduled to appear before this subcommittee in the next few days would agree to a general revision of the information guidelines established in connection with the embargoes, but just in case we get bogged down in redtape, I would like you to know that I intend to send a letter to the President, with copies to the Secretary of State, the Secretary of Commerce, and the Secretary of Defense, and the President of the Export-Import Bank requesting all guidelines and revisions in same, together with all precedent establishing decisions in this area, be made public under 5 U.S.C. 552, the Freedom of Information Act of 1967.¹

However, before I get caught up in that subject, permit me to share some of the snippets of information I have that aroused my interest. In late 1970 and early 1971 when it became publicly known despite the best efforts of the bureaucracy that the United States was willing to sell executive jets to South Africa and 707's for troop transport to Portugal, I am afraid I yawned and tended to agree with administration sources that these cases, which I understood were ad hoc decisions, were not particularly significant departures from previous policy. I chuckled at the tortured prose that Assistant Secretary of State for African Affairs, David Newsom, used to announce the executive jet decision in a Chicago speech, but I couldn't really believe the Nixon administration, which above all, wants to keep Africa in low profile, would be seriously tampering with the cornerstone of its southern Africa policy.

There were other events that fall such as the granting of the 150,000 ton exception to Union Carbide on Rhodesian chrome, the Portuguese-backed invasion of Conakry accompanied by U.S. waffling at the United Nations, and the visit of Portuguese Foreign Minister Rui Patricio to Washington, but I discerned no real pattern to this activity.

I recall, Mr. Chairman, attending a hearing of your subcommittee as recently as November 12, 1971, when you last heard Defense Department witnesses on the arms embargo and thinking to myself that while there were a lot of interesting bits and pieces in the testimony, there was not enough to paint the picture, as they say.

On the Byrd amendment question earlier that fall, I found White House ambiguity rather curious. There seemed to be a drift, but it wasn't clear precisely how far the United States was prepared to go.

The answer came just a few weeks later. At the end of November 1971, the United States said it was prepared to accept the draft Heath-Smith settlement despite the fact that it was obvious from the outset that it could never get the support from Moscow and Peking that would be needed before the Security Council could lift sanctions. A few days later the President visited the Azores, and there was a new executive agreement on the U.S. bases there, the first one in 9 years. The last previous Azores lease had been allowed to lapse only 2 months after the Cuban missile crisis.

¹ See appendix, p. 165.

Those two events convinced me that the Nixon administration policy toward southern Africa was to define this regional tension out of existence. This was borne out by the 1972 state of the world message in which the United States for the first time defined Britain as being the only victim of the 1965 white rebellion in Rhodesia.

In numerous policy statements here and at the Security Council, the United States tended to define Portugal's wars in Africa as civil ones rather than being colonial in nature, the operative definition of the 1960's. The western colonial era is nearing an end, but as long as this anachronistic situation persists in Portuguese Africa, it can hardly be said to be over. Portugal is the only noncontiguous sovereign entity in the world which claims to span two continents. Now if you define civil conflict as not constituting war as the administration has done, then you can make statements to the effect that there are no more wars in the world which is just what the administration has done in the wake of the Vietnam settlement. Once you do that in an era in which the emphasis is on exports, you can promote exports to places like Portuguese Africa even though this constitutes what independent observers would have to call U.S. commercial participation in the Portuguese pacification program. So far, this is being done on a cash basis, but certainly given the pattern of the last couple of years, we should be prepared to expect Export-Import Bank involvement in the future. If the arms embargo is so defined as to permit the sales which I am going to describe, then there is no reason why they should not be backed by Ex-Im.

In the 1960's, including the first year of the Nixon administration, the United States refused to permit the Export-Import Bank to back the bids of American firms which sought to participate in the construction and equipping of the Cabora Bassa Dam. They were not denied permission to bid, but without the backing of U.S. Government credit facilities they had no chance of winning, since firms in several European countries had government backing for their bids.

The philosophical premise behind that U.S. Government policy was that the United States should not, in any way, assist Portugal to make its dream, its vision of its eternal role in Africa, a reality. In other words, the United States was going to keep the whole business at arm's length. Then the times began to change. The State Department declassified from its munitions controls two varieties of herbicides with potential military application, and our herbicide exports to South Africa and Portuguese Africa rose dramatically. The Cabora Bassa Dam administration was permitted to buy two small U.S. helicopters to improve transportation between the dam site and coastal towns.

Then last fall, through the Portuguese press and *Marches Tropicales*, a French publication specializing in economic questions in Africa, I learned that the United States was permitting the sale of Aero-Commanders manufactured by Rockwell International to Portugal for use in Mozambique. The first sale included three eight-seaters, called the Shrike-Commander, and one turboprop, pressurized version capable of easy adaptation to precision aerial photography. Rockwell officials were quoted as saying that they are negotiating for the sale of four more.

I would like to include in the record a detailed description of these planes from Jane's.

Mr. DIGGS. Without objection, it is so ordered.²

Mr. OUDES. At the beginning of this year, I learned from the same Portuguese and French media of the sale of a dozen Bell helicopters to Mozambique. I rang up the State Department where I was told that the decision to permit the sale of these choppers was made 6 months ago, and that they are only four-seaters for "internal transportation." The same news item that disclosed the sale of the choppers also said that the purchaser, DETA, the local airline, was being reorganized so that it would be an independent firm contracting with the Mozambique authorities rather than a Mozambique state corporation. Next I read a report on Lisbon's annual military report for 1972 which said that its network of 150 landing strips and 30 airfields in the northern part of Mozambique is nearing completion. I am curious whether those landing fields might be anywhere near Portugal's strategic hamlets in those provinces, and whether these U.S. choppers will be servicing these 180 landing sites. Clark MacGregor, who headed the President's reelection campaign, visited northern Mozambique right after the election for what he described in a Beira press conference as an "agreeable and different" holiday. He met the Portuguese commander, General Arriaga, and toured—by aircraft presumably—some of the Portuguese-held communities in northern Mozambique. Mr. MacGregor had, by that time, become a vice president of United Aircraft. That firm produces Sikorsky helicopters, and it is only natural to assume United Aircraft has its eyes on doing business in Portuguese Africa. The Portuguese press did not announce the sale of the Bell helicopters until nearly a month after Mr. MacGregor returned to the United States. Did MacGregor have advance knowledge of this Bell sale from his administration contacts? I think it is a fair question.

Again with your permission, Mr. Chairman, I would like to include Jane's description of these Bell helicopters in the record at this point.

Mr. DIGGS. Without objection, it is so ordered.

[Mr. Oudes subsequently furnished the following information:]

I have been informed by a competent official of the Export Control Office of the Commerce Department that the model number of the Bell helicopters is privileged commercial information not available to the American public despite the fact they have been exported to a war zone.

Mr. OUDES. Perhaps Sikorsky will be able to get Export-Import Bank backing for sales of its helicopters to Mozambique.

In the light of these developments, Mr. Chairman, I went back over the Pentagon's November 12, 1971, testimony. I note that the Pentagon supplied for the record the information that the budget for U.S. training of Portuguese military personnel has doubled during the Nixon years. This, of course, is part of our small, residual grant military aid program for Portugal, the only such aid still flowing to a Western European NATO ally. These figures disclose that the U.S. trained a total of 83 Portuguese Air Force officers during fiscal years 1971 and 1972, a tenfold jump over the average of the previous 7 years. This puts a new light on Mr. Bader's statement during that hearing that he believes it extremely likely that Portuguese military personnel trained in the United States are rotated to African assignments. "We

² See appendix, p. 169.

would have no prohibition on U.S.-trained Portuguese officers going where their country sent them," he said.

Mr. Noyes disclosed that among the training being offered Portuguese military personnel in the United States was precision photography. I wonder if these Portuguese personnel received their training in Aero-Commanders. I think, Mr. Chairman, you can see how my reportorial appetite has been whetted by these tidbits. I think it shows a change in the policy line.

If one believes that there will be no settlement in Portugal's African wars until Lisbon negotiates with the African guerrilla movements, then I think it is fair to say that such policy changes are not designed to persuade Portugal to negotiate. If, however, one believes that the thrust of present policy is correct, then I think there are some interesting questions to be raised with the administration about why the U.S. Government didn't support the bids of U.S. business to participate in Cabora Bassa.

Turning to the question of the embargo on sales to South Africa, I know at present of two types of aircraft of which the United States is contemplating permitting the sale. One is a long-range naval reconnaissance aircraft. The other is a plane designed for firefighting with excellent capability for conversion to a gunship. If there should be concern about this sale, at present, it would be because this would open the door to the use of this firefighting gunship not necessarily so much in South Africa itself as in Namibia (South-West Africa), Southern Rhodesia, Angola, Mozambique and Guinea-Bissau. If the sale of a given type of equipment is permitted to South Africa, it is rather difficult to develop a consistent rationale by which the sale could be denied to Portugal.

The naval reconnaissance aircraft question is an old chestnut dating back to 1965 when the Johnson administration evidently denied the sale of both versions to South Africa. One is the Atlantic, a NATO consortium aircraft with GE electronic gear. The other is Lockheed's Orion, a wholly made-in-USA version. As you know, the Johnson administration refused to permit Union Carbide's 150,000-ton chrome exception request, but the Nixon administration apparently has an appetite for old chestnuts. The bureaucracy with its penchant for developing lists, can more easily lift the bars to the sale of the Atlantic than the Orion, but I must say that on a commonsense basis I would agree that if we are going to permit South Africa to get a largely European manufactured naval reconnaissance aircraft, then it makes little sense not to offer the Orion. As I understand it, the act of offering the Atlantic can be made by simply dropping the present ban on a one-time basis to the transfer of its componentry to third countries without U.S. approval.

Europe then would be at liberty to sell the aircraft to South Africa. Europe might then be criticized for selling such equipment, the U.S. role presumably escaping much attention. The South African military has Lockheed C-130's and apparently would like to have some more as well as some C-5A's. It would make a certain amount of economic sense for them to further develop their concentration on Lockheed.

Before I go any further, Mr. Chairman, permit me to insert Jane's description of these two aircraft at this point if you would.

Mr. DIGGS. Without objection, it is so ordered.³

Mr. OUDES. I think the fact that old questions are being resurrected shows that the administration may be toying with defining the embargoes nearly out of existence as it has defined the African wars out of existence. The central question in the Orion/Atlantic case is whether we want to promote even further cooperation with the South African military in questions involving the Soviet Navy. Do we believe the Cape Route theory? Will cooperation with South Africa be vital to assure our massive oil imports from the Persian Gulf states, which, of course, will go via supertankers around the cape? Or, is the Stevenson corollary—the one outlined by Ambassador Adlai Stevenson before the Security Council in August 1963—obsolete? Would we come to South Africa's assistance if it is attacked by one of the world's major powers? These are central questions of foreign policy, and they should be subject to informed public debate rather than simply in some closed and stuffy room filled with GSA furniture.

That is why, in short, Mr. Chairman, I want to enlist the cooperation of the administration and Congress, if such is possible, in this rather shrill and emotional atmosphere of present Hill/White House relations, to get more information on the South African and Portuguese embargoes on the record as a matter of routine.

With your permission, Mr. Chairman, I would like to insert the text of 5 U.S.C. 552, the Freedom of Information Act, in the record at this point.

Mr. DIGGS. Without objection, it is so ordered.

[The information referred to follows:]

§ 552. Public information; agency rules, opinions, orders, records, and proceedings.

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

³ See appendix, p. 178.

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency also shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if—

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, on request for identifiable records made in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedure to be followed, shall make the records promptly available to any person. On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complaint. In such a case the court shall determine the matter de novo and the burden is on the agency to sustain its action. In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member. Except as to causes the court considers of greater importance, proceedings before the district court, as authorized by this paragraph, take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(4) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(b) This section does not apply to matters that are—

(1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

(c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress. (Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 383; Pub. L. 90-23, § 1, June 5, 1967, 81 Stat. 54.)

HISTORICAL AND REVISION NOTES

Deviation

U.S. Code

Revised Statutes and Statutes at Large

5 U.S.C. 1002

June 11, 1946, ch. 324, § 3, 60 Stat. 238.

In subsection (b) (3), the words "formulated and" are omitted as surplusage. In the last sentence of subsection (b), the words "in any manner" are omitted as surplusage since the prohibition is all inclusive.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-23 substituted the introductory statement requiring every agency to make available to the public certain information for former introductory provision excepting from disclosure (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating to internal management of an agency, now covered in subsec. (b) (1) and (2) of this section.

Subsec. (a) (1). Pub. L. 90-23 incorporated provisions of: former subsec. (b) (1) in (A), inserting requirement of publication of names of officers as sources of information and provision for public to obtain decisions, and deleting publication requirement for delegations by the agency of final authority; former subsec. (b) (2), introductory part, in (B); former subsec. (b) (2), concluding part, in (C), inserting publication requirement for rules of procedure and descriptions of forms available or the places at which forms may be obtained; former subsec. (b) (3), introductory part, in (D), inserting requirement of general applicability of substantive rules and interpretations, added clause (E), substituted exemption of any person from failure to resort to any matter or from being adversely affected by any matter required to be published in the Federal Register but not so published for former subsec. (b) (3), concluding part, excepting from publication rules addressed to and served upon named persons in accordance with laws and final sentence reading "A person may not be required to resort to organization or procedure not so published" and added provision deeming matter, which is reasonably available, as published in the Federal Register when such matter is incorporated by reference in the Federal Register with the approval of its Director.

Subsec. (a) (2). Pub. L. 90-23 incorporated provisions of former subsec. (c), provided for public copying of records, eliminated requirement of agency publication of final opinions or orders and authority for secrecy and withholding of opinions and orders required for good cause to be held confidential and not cited as precedents, latter provision now superseded by subsec. (b) of this section, designated existing subsec. (c) as clause (A), including therein provision for availability of concurring and dissenting opinions, added provisions for availability of policy statements and interpretations in clause (B) and staff manuals and instructions in clause (C), deletion of personal identifications from records to protect personal privacy with written justification therefor, and provision for indexing and prohibition of use of records not indexed against any private party without actual and timely notice of the terms thereof.

Subsec. (a) (3). Pub. L. 90-23 incorporated provisions of former subsec. (d) and substituted provisions requiring identifiable agency records to be made available to any person upon request and compliance with rules as to time, place, and procedure for inspection, and payment of fees and provisions for federal district court proceedings de novo for enforcement by contempt of noncompliance with court's orders with the burden on the agency and docket precedence for such proceedings for former provisions requiring matters of official record to be made available to persons properly and directly concerned except information held confidential for good cause shown, the latter provision now superseded by subsec. (b) of this section.

Subsec. (a) (4). Public L. 90-23 added subsec. (a) (4).

Subsec. (b). Pub. L. 90-23 added subsec. (b) which superseded provisions excepting from disclosure any function of the United States requiring secrecy in the public interest or any matter relating to internal management of an agency, formerly contained in former subsec. (a), final opinions or orders required for good cause to be held confidential and not cited as precedents, formerly contained in subsec. (c), and information held confidential for good cause found, contained in former subsec. (d) of this section.

Subsec. (c). Pub. L. 90-23 added subsec. (c).

EFFECTIVE DATE OF 1967 AMENDMENT

Section 4 of Pub. L. 90-23 provided that: "This Act [amending this section] shall be effective July 4, 1967, or on the date of enactment [June 5, 1967], whichever is later."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 551 of this title; title 15 section 1193; title 42 section 4332.

Mr. OUDES. I would judge that paragraphs (1) and (2) of subsection (a) provide for the disclosure of the type of information I am after, unless under subsection (b) the administration shows cause that this information must be kept secret in the interest of national defense or foreign policy.

If the administration chooses to argue that this information should be secret for reasons of "national defense," this would be an indication it is leaning toward acceptance of the Cape Route theory and toward a definition that our ties with Portugal, through the NATO alliance, extend far below the Tropic of Cancer, which is the official limit of mutual obligation under NATO.

If, on the other hand, it uses "foreign policy" as a justification, it would seem to me to be at least as revealing, I am sure the South African and Portuguese Governments have an excellent idea of the guidelines, and how they have changed, and the precedents, and how the precedents have changed. The real purpose to maintain secrecy, it would seem to me, would be for reasons of domestic policy—to keep the American public in the dark similarly to the way the Johnson administration kept the American public in the dark over Vietnam.

If the administration is that seriously concerned that routine disclosure of guidelines and precedent making decisions and issuances of export licenses would harm our bilateral relations with Portugal and South Africa under the "foreign policy" rubric, then I must ask how can we afford to maintain embargoes on selected exports to these countries? Surely when these embargoes were originally imposed, the U.S. Government was well aware that they would not exactly make Lisbon and Pretoria jump for joy. That was a price we were willing to pay. If the administration sincerely believes that it cannot disclose this information for foreign policy reasons, then I must ask whether we are still willing to pay that price. I think the national interest requires that there be open public access to decisions which may lead to commitments abroad.

I have tried during this testimony to separate fact from opinion, but I will not hide the fact that my personal opinion is that the United States should continue to maintain the strictest possible embargoes on military cooperation with South Africa and with Portugal below the Tropic of Cancer. I think recognition of one's own biases is the first step toward fair journalistic practices.

If you would like, Mr. Chairman, I would be glad to supply for the record the text of an address I delivered in November to the African Studies Association, analyzing overall U.S. policy toward Southern Africa and proposing some new directions. At the same time, I would be happy to provide as well for the record my last three columns in Africa Report magazine which in part treat the arms embargoes, but principally provides some idea of what is going on in Washington on U.S. Africa policy, a question presently looked down upon by the daily press in this rather faddish society.

Mr. Driggs. Without objection, those references and documents will be provided in the record at the end of the gentleman's statement.⁴

⁴ The material referred to may be found beginning on page 14.

Mr. OUDES. My central point is that these embargoes should be regarded not so much in the traditional punitive and vindictive light, but rather as part of a constructive policy working toward a just and peaceful resolution of the black-white tension.

I was rereading the other day Chester Bowles' book on U.S. foreign policy of the early 1960's. Bowles says that in June 1962, he sent a memo to President Kennedy suggesting that we extend large loans to Portugal in exchange for a long-term lease on the Azores and Portugal's action setting its African colonies free. That was 11 years ago.

Mr. Bowles has a somewhat controversial reputation in certain quarters, but I also noticed that another commentator seems to be thinking along much the same line. Former U.N. Ambassador Charles Yost, says in his book, "The Conduct and Misconduct of Foreign Affairs," that we will some day regret having lost this opportunity, this period of time when conciliation, negotiation, might have been possible to make a start toward settling the southern African tension in a just fashion and at the same time with a minimal amount of violence.

I would like to include those two brief paragraphs in the record as well.

Mr. DIGGS. Without objection, it is ordered.

[The information referred to follows:]

[Excerpt from "Promises to Keep" by Chester Bowles, pp. 428-9]

* * * I took advantage of the new focus on the problems of Africa strongly to urge the President and Secretary to re-examine our relations with Portugal, which, although the least industrialized of all the NATO powers, still remained by all odds the major colonial force in Africa. As everyone knew, our uneasy political support of Portugal in the UN on questions involving colonialism was part of the price we paid for the use of the Azores as a naval and air base where most of our shorter-range planes refueled on their way to and from Europe.

I renewed a proposal that I had previously outlined in a memorandum to the President on June 4, 1962, and which had received little attention then. My proposal was for a major loan to the Portuguese Government by the U.S. and its NATO allies with which to modernize its economy, in return for which Portugal would agree to the Independence of Angola, Mozambique and its other African possession and give the United States and the West European nations a long lease on the Azores. Although Salazar would reject it out of hand, I believe many younger Portuguese would have welcomed it as an opportunity to modernize their economy and to emancipate their sixteenth-century colonial holdings in the bargain. But since no immediate decision was involved, my proposal was never seriously discussed.

The relatively favorable relations between the United States and Africa that were established in the Kennedy years were subsequently weakened by our involvement in Vietnam, our intervention in the Dominican Republic in 1965 and our refusal to take meaningful steps against South Africa's racist government (or, for that matter, to make faster progress in solving our own racial conflicts). Yet, by and large, our record in Africa was probably more consistently liberal and enlightened than in any other continent.

[Excerpt from "The Conduct and Misconduct of Foreign Affairs" by Charles Woodruff Yost, pp. 133-4]

The real focus of potential catastrophe is, however, southern Africa where thirty-five million blacks are still anachronistically ruled and in some cases grievously oppressed by white minorities, ranging from 19 percent of the population in South Africa to 5 percent in Rhodesia. If this anomaly is not corrected gradually and peacefully, it will be corrected suddenly and hideously in years to come. Moreover, far from being bulwarks against Communism, as the white governments claim to be, it is their inflexible adherence to immobility and apartheid which offer the best opportunity for the establishment of eventually triumphant Communist movements in Africa.

During the decade of the 1960's when I served at the United Nations, African ambassadors would often ask me whether violence and bloodshed was the only way they could attract and hold our attention, the only means of getting sufficient help to resolve their problems. On the basis of my experience I am convinced that without strong outside pressure these problems are not going to be solved peacefully and progressively by the whites of these areas. The status quo is far too comfortable. Furthermore, if the problems are left to be resolved eventually by violence, there will be a ghastly repetition of what took place in 1971 in East Pakistan—with the additional complication in this case of far-reaching and traumatic black-vs.-white overtones.

Over the past dozen years the United Nations has again and again taken action designed to correct or improve this situation. Sanctions have been imposed on Rhodesia, arms embargoes have been applied to South Africa and Portugal, countless resolutions have been passed denouncing apartheid and calling for self-determination and freedom for the black majorities. None of these actions seem to have had the slightest effect on the white minority governments. On the contrary, it is the UN measures which, as they are increasingly abandoned by the United States, the United Kingdom and France among others, are falling apart. The United States frankly is still trying to do the minimum that would appease the forty African governments without seriously incommoding its Portuguese and South African friends or the U.S. corporations with investments there. Politically this seems the easy way, but in the end it will not work. Someday Southern Africa will be shockingly and hideously on the front pages of the world press. Then the Western powers will ask themselves why they did not, with all the nonmilitary resources at their command, push and drive South Africa, Rhodesia and Portugal into the modern world while there was still time.

Mr. Diggs. Thank you very much for your contribution.

[The following material, previously referred to by Mr. Oudes, was submitted for inclusion in the record at this point:]

[From Africa Report, November–December 1972]

SACRED COWS AND SILVER LININGS

(By Bruce J. Oudes)

The President of the United States, it is reliably reported, has volunteered without prompting an extemporaneous public remark on U.S.-Africa policy.

"As far as the other parts of the world are concerned," Mr. Nixon said in an election eve interview, "I wouldn't want to leave the impression that Latin America and Africa will not get attention [during the next four years]. They will, because none of our present policies are going to be sacred cows. I am going to look at the Latin American policy and African policy to see how our programs can be improved in those areas."

Any apprehension this might have generated in Pretoria, Lisbon, and Salisbury, however, tended to be reduced somewhat as the returns rolled in showing the President to have captured en masse the 1968 George Wallace vote even though, of course, everyone knows domestic politics are quite divorced from foreign policy in the Nixon Administration.

Meanwhile, the radical fringe questioning that judgment might say the returns were in fact pregnant with silver linings, the most obvious being the implications of the liberal swing in the Senate.

However, striking a deeper and even more serious vein, it just may be that historians someday may regard the 1972 election as an important watershed in the evolution of southern Africa as a major policy problem for the United States. This judgment is predicated on the belief that Mr. Nixon's NSC (No Sacred Cow) policy review will not result in the bloodletting necessary to effect a stunning reversal of present trends, thereby frustrating those looking forward to a continuing escalation of the policies of confrontation.

In this context the most important silver lining in the defeat of George McGovern is that it puts to rest the anxieties blossoming among those advising him on African policy. Many in the African affairs advisory group he appointed in August feel they were "used" in quite cavalier fashion beginning with a press release issued before at least some appointees were asked if they were willing to serve. McGovern and Shriver had a paragraph or so on southern Africa in their foreign policy speeches, but neither made it the focus of an address. McGovern's

headquarters issued a statement on Africa October 2, one dutifully picked up by the black press, but no one else. Finally someone in McGovern's Africa team "leaked" a 47-page position paper to a black *New York Times* reporter the week-end before election. As a story a hardboiled observer would have to say it got the display—on page 51—that it deserved. So McGovern disagrees with Nixon on Africa? So what else is new?

To those in the Team, then, who were coming to understand the implications of things like this, McGovern's defeat was in some ways a blessing. A President McGovern would have done the "right" things on southern Africa, keeping the profile as an issue low without ever really coming to grips with it as a matter of foreign policy, rather than as just an extension of domestic politics. The wind would have been taken out of Charles Diggs' sails by the White House before Diggs ever reached top speed.

McGovern's defeat, in blunt terms, means that Diggs, Inc. assumes more importance than ever. By 1976 it is likely that Diggs will have a hammerlock on Africa policy within the Democratic Party, such that the nominee will have to clear Africa statements with Diggs in a fashion that McGovern never was required to do. The Democrats' platform committee will be hard put to pick and choose between Diggs' recommendations as it did this year.

Had McGovern won, Diggs could have afforded to devote more of his attention to the District of Columbia committee, which he will chair in the new Congress. Now, however, the pressure to mingle District business with Africa business will be even greater. Suddenly it becomes rather important to the Africa liberation folk that D.C. not be "freed" with unseemly haste, thus denying the Africa "cause" the reflected glory it will get as long as it is associated with someone who is endowed with the mantle of a committee chairmanship and all the extras that means as part of the House seniority system. On the other hand, the substance of the District question—a hoary chestnut with a thankless coating of urban politics—is such that no chairman will ever be called a statesman for his deft handling of a sewer question.

And the truth of the matter is that Diggs is now coming into his own as the closest thing in the American system to a shadow Secretary of State for African Affairs. The flow of letters that he keeps bouncing off the Administration is reaching flood proportions. Once in a while, there is a nugget in the replies, such as State's disclosure that it has asked South Africa at least twice this year to end its import controls in violation of GATT. At the same time, his office shows signs of becoming a programming agency for African visitors when the Administration turns a cold shoulder. When the Treasury cancelled on short notice a meeting in September with African Development Bank officials seeking to discuss U.S. participation in the ADB's new soft loan window, Diggs quickly arranged for the visitors to see Rep. Otto Passman, the key figure in the appropriations process should the Administration get around to approving the project in its FY '74 requests.

Even his travels are becoming respectable diplomatic journeys. After calling on U.N. Secretary General Waldheim this summer, he saw Tang Ming-chao, China's new U.N. Under Secretary, October 9. His post-election trip did not include Peking, but plans did include Moscow, Belgrade, and Ottawa.

In London he was invited to speak at Chatham House. The Seychelles were among his African stops, but on the whole the junketing image of yester-year is gone. The cumulative effect of all these bits and pieces add up to the impression of statesmanship, and the building of confrontation in a persistent fashion and to a degree not seen on Capitol Hill on foreign policy since Sen. Fulbright took on *LBJ* over Vietnam.

However, confrontation is not the only consequence of November 7. Just as important in the long run may be the dynamics of GOP politics as the liberal Republicans in the Senate crank up to challenge Spiro Agnew's claim to the 1976 nomination. Several strands converge here. First, unless the "peace at hand" in Vietnam falls apart, Agnew presumably will benefit from the Nixon halo in foreign policy, being vulnerable only to the general charge of lack of expertise and experience. Liberal Republicans looking for a way to challenge the Nixon-Agnew track record would like to treat southern Africa gently.

Unless it can be painted as a foreign affairs issue rather than a race issue, a policy issue rather than a moral issue, a liberal Republican aspirant would only risk stirring up the New Republican Majority, particularly in the U.S. South and the suburbs. Sen. Percy, who got strong black backing in Chicago, thus is likely to want at least to sort out his thinking on southern Africa in a way he

has not been required to do before. Sen. Brooke's noises about entering the sweepstakes add pressure on Percy in this respect because Brooke has visited Africa and does have an aide versed in African affairs.

The Senate's liberal swing adds still another dimension. First, it means that there are now not only enough votes to turn around the Byrd Amendment, but that the technique as a back door device of the white right is dead at least for the next two years. Abourezk and Hathaway both opposed chrome and South African sugar while in the House. Haskell, Clark, and perhaps one or two other Senate freshmen are also likely to vote the reverse of their predecessors on southern Africa. This means that if the liberals choose their shots carefully, they have the strength not only to reverse some old defeats but also to take to the offensive.

The most important of those possibilities is the Diggs' equal pay for equal work bill on South Africa. Percy's attitude on this will be critical. The former boy wonder of Bell and Howell can't oppose it without seeming more conservative than Polaroid. The Administration has paid lip service to this equal employment opportunity concept, but—if its hand is forced—it may well oppose legislation to this effect on grounds that U.S. corporations abroad should not be formal instruments of foreign policy during a generation of peace. Thus, a Senate vote in support of the Diggs bill would have ramifications extending far beyond the direct effect of the legislation itself. A generation ago U.S. corporations abroad were enjoined from shipping certain products to Communist countries as part of a total effort under which Communist countries in every way short of a formal declaration of war became bona fide enemies of the U.S. through the will of Congress. Passage of the Diggs bill then would be seen as a parallel decision formally making a foreign government which proclaims racism as state policy an enemy of the U.S.

Another factor to keep in mind is that the thrust of the Diggs bill is allied to the direction of the Senate Foreign Relations Committee's hearings on U.S. multi-national corporations scheduled for 1973. At the same time, Sen. Kennedy, who turned down two invitations this year to visit South Africa, has told associates that he does want to make the trip sometime. If Diggs decides it wise, Sen. Kennedy likely would readily agree to be a Senate sponsor of the Diggs measure. Thus a Kennedy trip to southern Africa could have one or both of two legislative intents. He could be investigating southern African refugee questions for his Judiciary subcommittee and/or investigating practices of U.S. companies in South Africa. Kennedy already has met with some corporate executives specifically to discuss their role in South Africa.

In either case Prime Minister Vorster would have to decide years ahead how hostile he would be to a Kennedy Presidency. If Kennedy wants to visit U.S. firms in South Africa, then Vorster would have to decide how to reconcile this with the recent statement of his heir apparent Connie Mulder to the effect that Americans seeking to investigate U.S. companies in South Africa will no longer be accorded visas.

The Diggs bill, of course, will have much tougher sledding in the House. However, Senate attention to the Diggs bill will force many House members to think more seriously about it than they otherwise might. The prospect of at least getting a floor vote in the House on the Diggs bill increased markedly with the defeat of Rep. Celler, who blocked hearings on the matter in 1972. Celler is being replaced as Judiciary chairman by liberal Rep. Rodino of Newark. Rodino's district is 40 per-cent black; and Diggs and Rodino are good friends.

All these Hill gyrations will not go unnoticed at the White House, which has in reserve the ultimate weapon: the Presidential Grand tour. Can the first American President in office ever to visit Peking resist the temptation to be the first U.S. President in office ever to make an extended tour of independent black Africa, particularly if it could be used to effectively refute a growing chorus of criticism of his Africa policy?

There can be little doubt but that the Presidential image makers could arrange visits to several black African countries with ground satellite stations for live television of a warm and colorful welcome. Addis, Nairobi, Kinshasa, Dakar or Abidjan, and perhaps Lagos. Might he also go to South Africa? All of this certainly is not beyond the realm of plausibility. The fact is that he can't send Mrs. Nixon again as surrogate without the gambit becoming too transparent. At the same time that film of her in West Africa was tremendously useful during the campaign, having been shown on nationwide TV during the convention and again repeatedly during the final days of the campaign. The trip demon-

strated beyond doubt the value of Africa as an election prop. Finally, sending the Secretary of State is just not the same thing. Its been done already and to do it again might serve as a prop for policy critics more than to call attention to the strong U.S. interest in Africa. No, only the grandeur and aura of the man in the Oval Office can undercut Diggs & Co. Domestically the only potential dissent that could mar the glow sought by the image men would be that from liberal Republicans, particularly those in the Senate. If the purpose of a Presidential visit to Africa is to show how liberal he is, it just would not do to have criticism of policy coming from that urban Republican crowd—Percy, Brooke, Javits, Case, etc.

Until such a Presidential blockbuster happens, one must acknowledge that the present White House strategy of informing Congress as little as possible about Africa (as well as of course other) policy is the most effective tactic, whatever that may say about the concept of democracy as applied in the U.S.

It fights off Diggs' attempts to get answers on the record by refusing to send anyone above the Assistant Secretary level to appear before his subcommittee, and Diggs is further boxed in by the fact that House Foreign Affairs Chairman Thomas Morgan, who traditionally supports Executive wisdom on foreign policy has now officially voted to support White House southern Africa policy.

In order to avoid answering a long series of embarrassing questions on the executive agreement with Portugal, the White House in the last days of Congress this fall accepted a continuing authorization for military aid rather than accept the military aid bill with Sen. Case's amendment on it calling for the Azores agreement to be submitted as a treaty. Case is not expected to maintain next year his insistence that the Azores pact as such be submitted since the question by then will be more than a year old.

This doesn't mean, however, that the Administration will be able to fudge its views on Portugal vs. Africa for four more years. The PAIGC is seeing to that. Amilcar Cabral announced during a visit to the U.S. in October that the PAIGC will declare itself a government by early next year. Given the likelihood of substantial world recognition in short order, this should mean that by next fall the only way U.N. membership for Guinea-Bissau can be denied will be by U.S. veto. France's voting pattern of late does not lead to the conclusion that Paris would be willing to take flak on behalf of Lisbon, and Britain probably won't either unless joined by the U.S.

The central theme that all these facts, trends, and consequences flowing from Mr. Nixon's re-election project is that the next four years should be the most fascinating for a student of U.S. Africa policy since the Kennedy years, a period exciting for its controversy rather than its euphoria. There is going to be beyond a doubt a whole lot of mooring going on.

[From Africa Report, January–February 1973]

CLARK MACGREGOR'S VACATION: 'DIFFERENT' MIGHT BE AN UNDERSTATEMENT

(By Bruce J. Oudes)

First the good news: For the first time in 13 years Africa in 1972 registered a favorable balance of trade with the United States.

Now the bad: In 1972 the U.S. registered its first unfavorable balance of trade with Africa since 1959.

Being as this is a town that sees Africa only as one big cliché, one might say the U.S. views this development with alarm, its African trade bag being half empty rather than half full. Thin humor, however, cannot conceal the fact that by coming in a year when the U.S. was registering probably the worst balance of trade deficit in its history and during a strongly business oriented Administration, the small Africa contribution to U.S. trade woes is merely setting up the Mother Continent for U.S. retaliation on a wide variety of policy issues.

On the basis of nine-month figures which State Department officials feel certain will be borne out by the final tallies, U.S. imports of African petroleum quadrupled in 1972, bypassing green coffee as Africa's most important export to the U.S. American exports to Africa were off by something in the neighborhood of \$250 million. Given the rising U.S. need for foreign oil, the Algerian gas and South Africa platinum/palladium deals, and the resumption of imports from Rhodesia, the unfavorable U.S. balance of trade with Africa is not likely to be a one time thing, but the pattern of the future.

The investment picture, meanwhile, according to figures released late in 1972 shows that during 1971 U.S. direct private investment in Africa exclusive of

South Africa increased 10 per cent to \$2,869 million. Investment in South Africa climbed better than 11 per cent to \$964 million. These figures suggest that in 1972 U.S. investment in South Africa passed the \$1 billion mark, and investment in the rest of Africa passed \$3 billion. Investment in Libya in 1971 increased less than 3 per cent to \$1,044 million suggesting that in late 1972 or early 1973 South Africa regained the top spot in U.S. private investment in Africa. By the time President Nixon leaves office U.S. investment in South Africa should be in excess of \$1,500 million.

This economic news appropriately describes the atmosphere surrounding Clark MacGregor's visit to Southern Rhodesia, Mozambique, and Angola during the holiday season. MacGregor, who had just become a vice president of United Aircraft after managing the President's re-election campaign, was beyond doubt the most politically significant American visitor to Salisbury since UDI. The net effect of his visit was to substantially increase the pressure on Britain and Rhodesia to have another go at a settlement waltz.

Should he be considered Nixon's personal envoy? On balance, yes. MacGregor visited Africa as the "hunting trip" guest of Lee Grigg, a wealthy businessman and long-time friend of white rule in Africa from MacGregor's home state of Minnesota. However, the President knew MacGregor was going, and MacGregor immediately reported to the President upon his return, especially, it must be assumed, on his two visits with Ian Smith, his meeting with Gen. Arriaga, the Portuguese commander, and his tour of the "pacified" areas of Northern Mozambique.

MacGregor told a Beira news conference December 1 after his tour that he was enjoying "an agreeable and different" holiday and that he was happy to confirm all the fine things he had understood constituted Portuguese policy in Africa. He tried to pull the "private citizen" bit in an interview with a Washington columnist after his return, but the Rhodesian *Financial Gazette* of December 1 quoted him as saying, "For anyone in public life as I am, being on holiday can't mean that I switch off. I'm not a private citizen. . . ."

After conveying his impressions of the trip to the President, MacGregor said he thought U.S. policy toward Rhodesia would change "probably within the next two years" most likely starting with a gradual easing of travel and trade restrictions. "I'm not saying the President will recognize Rhodesia, but it wouldn't surprise me at all if he did so . . ." MacGregor cited at the Cold War reasons for justifying this change of U.S. policy including Communist penetration of Africa and the Indian Ocean. Another, unsaid, undoubtedly was that the resumption of U.S. exports to Rhodesia—including United Aircraft products—would help redress the trade imbalance caused by the Byrd Amendment.

Although careful to say he was not repeating the Presidents' words, MacGregor left the impression that the President feels that black American support of McGovern, the events in Uganda, and Africa's opposition to the U.S. anti-terrorism resolution at the U.N. leave him free to follow what he regards as pragmatic policies in southern Africa. This in turn forces the question of how actively the President plans to raise the Rhodesia question with Britain in 1973. Heath shed a crocodile tear—that is, lightened sanctions a bit—in November. However, he and his ally, Nixon, did not go through with the full dropping of trade barriers as they might have. (See "In Washington," May, 1972). Peering between the lines of what MacGregor said, this surely is what the White House is contemplating in 1973 if Heath and Smith can't arrange a settlement sans embarrassing details like Pearce Commission.

Nixon made a start on whipping the State Department into line on Rhodesia by naming Kenneth Rush Under Secretary of State. Rush left the presidency of Union Carbide in 1969 in order to join the Nixon team. According to a very well-placed State Department official, Rush personally raised with the President the matter of Union Carbide's request to import chrome from its Rhodesian subsidiary after he was sworn in as ambassador to Bonn. The President said he didn't see why not, the source added, and White House aide Peter Flanigan called Nathaniel Samuels, the Deputy Under Secretary for Economic Affairs to get State working on a process that took a year to complete before Union Carbide got its way.

Nixon & Co. are still getting help on their Rhodesia project from an unusual quarter—their arch enemy the *Washington Post*. Sharp-eyed White House aides can't help but have noticed that the *Post's* November 29 editorial asking "What in blazes is Clark MacGregor . . . doing in Rhodesia?" nevertheless reiterated that paper's fundamental policy which is that the Rhodesia question is ended once Britain and Rhodesia reach a settlement. The *Post* refuses to treat the

central problem of the Rhodesian mess which is that Moscow and Peking won't support any settlement short of majority African rule. Thus, the White House can reason, if their arch enemy agrees that Rhodesia is strictly a British problem, all the U.S. has to do is to be seen following Britain's lead regardless of where it might be taking the U.S.

MacGregor's decision to air his Rhodesia views also cleared up the question of why the White House didn't try to defeat the Byrd Amendment during 1971 and 1972. MacGregor was the President's chief aid for Congressional relations before the campaign assignment and as such was the person whose refusal to call key Republican Senators meant victory for Byrd. MacGregor, of course, received Bishop Abel Muzorewa last May. It is understood that MacGregor didn't return the courtesy during his Rhodesian safari.

The State Department says it has no plans to inform the American people how much the U.S. is importing from Rhodesia as a result of the Byrd Amendment. However, according to a leaked State compilation, the U.S. during the third quarter of 1972 imported 40,000 tons of Rhodesian minerals on 12 vessels. Most was chrome, but also included were nickel cathodes, asbestos, and beryllium. The nations who violated sanctions by carrying the booty to the U.S. on ships in their registry were Liberia, Britain, the Netherlands, Italy, Greece, and South Africa.

The new Australian government's decision to close the Rhodesia Information Office means that the two-man Rhodesian operation in Washington is Salisbury's only diplomatic establishment outside of South Africa and Portugal. While the U.S. was trumpeting to Africa in 1970 the significance of closing its consulate in Salisbury, the RIO here was in the midst of an expansion program during which its budget has quadrupled in the Nixon years to \$175,000 annually, all of which flows directly from the Rhodesian foreign ministry in Salisbury according to data the RIO files with the Justice Department.

The RIO doesn't list its contacts with the Administration and Congress in these reports, but they do disclose that Washington is also a base for its operations in Canada (making the Canadians sanctions violators), that the RIO is now showing its films through a commercial distributor, and that during the Nixon years it has been able to routinely show its films at U.S. government installations. In 1971 it had a pre-Christmas showing for the Army at Fort Myer. During the first half of 1972 the RIO peddled its message at 11 U.S. government installations. Besides NASA, the U.S. Forest Service, and the V.A., the RIO scored at U.S. Navy installations at Portsmouth, N.H., and Vallejo, Calif., as well as at the Marines' Camp Lejeune. ("From the halls of Shabani to the shores of Kariba")

While the stuff of the Nixon-Smith courtship is titillating, the President's white-thinking desire to punish Africa because of Uganda and the heresy of not supporting the U.S. on its anti-terrorism plan at the U.N. requires closer examination. First, the terrorism resolution was the only substantive matter at the U.N. in which the President was interested last fall.

He undoubtedly did not understand just how much he was tightening the link between southern Africa and the Middle East in doing it. South Africa and Portugal used a golden opportunity to demonstrate to Nixon their indispensability to the U.S. in helping in the defense of Israel. The pair plus Lesotho were the only African support Nixon got in the key tally December 11. Ivory Coast, Malawi, Mauritius, and Swaziland abstained and the rest of Africa—including Botswana—voted unanimously against the U.S.

The fact that such staunch U.S. friends as Liberia, Kenya, Ethiopia, and Tunisia felt they could not support Nixon apparently meant nothing.

Africans, the Washington Post suggested in an emotional editorial December 13, were for terror. "Does this mean more violence is to be expected? In the short run at least, probably yes . . . African 'liberation' movements will do what they can in white-run Africa, aided, by the way, by funds from the World Council of Churches. It is a grim and frightening prospect . . ." Once again the thrust of the President's southern Africa policy got vital support from an unexpected quarter, boosting the odds further in favor of a U.S. veto of Guinea-Bissau's U.N. membership application next fall despite a State Department estimate that 80 nations will recognize Cabral and support his U.N. membership bid.

At the White House, meanwhile, the Guinea-Bissau problem dominated the National Security Council's annual review of African policy in preparation for the State of the World address. A veto of PAIGC U.N. membership because of its use of "terrorism" could make good political sense for the Republicans. It can set black and Jewish Democrats to squabbling among themselves, the White

House can calculate, and give the Jewish vote yet another nudge into the GOP fold. After all, the Azores are now "vital" to the U.S., the Pentagon secretly argues, because they are the transit point for the F-4 Phantoms Nixon is sending to Israel.

Uganda and Burundi factor in not dissimilar fashion. The President's logic and that of much of white liberal America seems to run as follows: Gen. Amin's actions not only show that black people are racists, but that they also wish to exterminate minorities; therefore blacks could not be counted on to protect white Christian and Jewish minority rights in southern Africa if they ever came to power. Therefore the U.S., albeit discreetly, must continue to support retention of maximum white authority in the region in order that the rights of the white minority may be preserved.

Thus, most editorial comment in the U.S. on Uganda included some remark about the events bolstering South Africa without examining that proposition further. The central fallacy in it, of course, is the stereotyping of black people. The white assumption is that blacks in southern Africa are the same as blacks in Uganda, but white liberals unconvincingly deny it is stereotyping. They say they are simply recognizing the black claim of African Unity. While many black people understand African Unity to be a dream just as European Unity is a dream among some whites, whites for self-serving reasons persist in granting to African Unity all the attributes claimed by its most fanatic exponents. The net result of this process, of course, is further black-white polarization on southern Africa, unbalanced editorials, and a President willing to do business with the white ruled nations to an unprecedented extent.

The Administration made fundamentally correct decisions on the Uganda Affair—pulling out the Peace Corps, halting new assistance, and accepting 1,000 stateless (not British) Asians—but communicated them in a most unprofessional fashion. State publicly announced it would not make any new aid to Uganda before it had informed the Uganda government in private. Charles Bray, State's spokesman, and Assistant Secretary David Newsom collaborated on that one.

At the same time the necessarily delicate relationship between a career assistant secretary and a politically appointed ambassador, Thomas Melady, contributed to some obvious foul-ups by the American Embassy in Kampala. Newsom, fortunately, managed to convince Manhattan Rep. Edward Koch not to legislate the cut-off. State said December 18 that harassment of Americans in Uganda has "ended," and that new loans will not be signed without "appropriate consultation" with Congress and "a full evaluation" of Uganda-U.S. relations.

Given the apparent linkage in Nixon's negative thinking between the Uganda Affair, the U.N. terrorism vote, and black American votes and Africa policy, perhaps only Israel has both sufficient clout in Washington and interest in Africa to be able to convince the President and Dr. Kissinger not to follow the MacGregor-Rush line on Rhodesia and the Lisbon line on Guinea-Bissau. Israel must be among the first to recognize Cabral's government if it is to have any hope of retaining influence in black Africa. At the same time an Anglo-American decision to flout the U.N. on Rhodesia would only make it more difficult for the U.S. and Israel to keep U.N. voting from becoming even more pro-Arab.

The rapidly evolving black-Jewish relationship in the U.S. and Africa got two other particularly interesting twists in 1972. It turns out that the Democratic Party plank that would deny U.S. tax credit to American firms in white-ruled Africa (see "In Washington," July-August, 1972) was the result of black-Jewish logrolling. Ed Epps, 26 and black, a member of the Democratic Platform Committee's foreign policy subcommittee, says he pushed it through. Epps, who personally is no particular friend of Israel, said "two Jewish delegates with McGovern buttons" convinced him not to vote against a stronger pro-Israeli plank by promising not to oppose his southern Africa amendment. While Clark MacGregor went to white Africa after the election, the Rev. Jesse Jackson went to Liberia and apparently worked out a plan with President Tolbert whereby black Americans could obtain dual U.S./Liberia citizenship in the same way that Jewish Americans can obtain dual U.S./Israeli citizenship.

One decision the President made nearly two years ago on southern Africa policy is only now beginning to be fully discernible. The ostensibly ad hoc decisions allowing South Africa and Portugal to purchase more types of U.S. aircraft and herbicides are not ad hoc at all, according to a well informed source. They are pursuant to a 1970 National Security Decision Memorandum ordering the bureaucracy to rule in favor of U.S. business whenever a "gray areas" case comes up involving the two countries.

An arms sales ban remains, but it is not the broad military embargo of the Kennedy-Johnson years. Portugal recently purchased U.S. aerial mapping planes. Lockheed, which sold C-130s to the South African military a decade ago, now reportedly wants to sell them C-5s. The South Africans presumably are interested in acquiring naval reconnaissance aircraft they were denied by a 1965 U.S. ruling.

Unpublished Export Control Office figures show the U.S. sold South Africa a total of 1,967 light aircraft, transport aircraft, and helicopters worth \$192.5 million between 1963 and Sept. 30, 1971. The Pentagon says the U.S. trained 83 Portuguese air force officers between mid-1970 and mid-1972. The U.S. had trained an average of less than four per year during the previous seven years. U.S. trained pilots usually prefer to fly U.S. made planes. All this of course, does not indicate a Nixon preference for white Africa, oh no, just exports, old chap, exports.

[From Africa Report, March-April 1973]

NIGERIA, HUMPHREY AND THE CHROME CAPER

(By Bruce J. Oudes)

Informed U.S. officials expect that in a matter of weeks Nigeria will announce its approval of the construction of the first of two liquified natural gas (LNG) plants. Announcement of the second is expected some 18 months after the first. Each plant will require about \$1.5 billion in combined U.S./European investment.

The mammoth project is expected to boost U.S. investment in Nigeria from the present \$900 million level to beyond \$2.5 billion by the time Mr. Nixon's successor takes office. Nigeria is especially anxious to move ahead as quickly as possible since the oil producers there are flaring several million dollars-worth of gas daily.

Nigeria already is the world's sixth largest oil exporter, but the LNG plants should impress policy planners as never before, particularly when one adds in the fact of Nigeria's population (some sources predict the 1973 census will show it to be in excess of 70 million) and the fact that it still maintains relations with Israel. Energy exporters like Nigeria which need revenue to meet the needs of their populations would seem to have little desire to impose production controls in the foreseeable future, unlike the thinly populated Arab oil producers, who have a combined population of little more than 100 million.

The final 1972 trade figures show that Nigeria was responsible for \$194 million of the total \$505-million unfavorable swing in trade with Africa during the year. U.S. imports from Africa (except Egypt) totalled \$1,567 million, of which \$468 million was crude oil. (The U.S. had imported only \$160 million in African crude in 1971.) U.S. exports to Africa were \$1,462 million as compared with \$1,607 million in 1971. U.S. imports from Africa in 1971 were \$1,211 million.

Hopefully National Security Council analysts will not mistake Nigerian discretion in the use of this increasing leverage for timidity and therefore define Africa out of existence in the new review ordered by the President of the implications of the "energy crisis" for U.S. foreign policy. Southern Africa has already been defined out of existence by the Nixon-style sanitization of policy issues. This ultimately resulted in post-Vietnam settlement statements by the Secretary of State that there are no wars in the world. He even went so far as to tell the House Foreign Affairs committee in February that there are "no wars in Africa."

But, before once again getting into the deft hypocrisy that constitutes present U.S.-southern Africa policy, here's some of what the U.S. is involved in north of the Zambezi:

The Office of Management and Budget cut out the planned \$5 million U.S. contribution to the soft-loan window of the African Development Bank (ADB) scheduled for fiscal 1974. The decision jerked the rug from under John Root, ambassador to the Ivory Coast, who had signed on behalf of the U.S. in November, the documents setting up the development fund. The U.S. contribution was to have been \$15 million over a three year period.

The U.S. will be the only major cocoa importer not to participate in the first international cocoa agreement. Administration sources say Congress would never approve, but Congress apparently won't be given a chance to express its views. U.S. imports of African cocoa were \$120 million in 1971, \$76 million in 1972. After a two week visit to Africa in February to study trade and investments as the President's "personal representative," Rep. Guy Vander Jagt (R.-Mich.) says

he will urge the President to reverse the cocoa and ADB decisions "within 60 days."

Uganda has lost its sugar quota, awarded only in 1971, after not supplying any in 1972.

Following Nigeria's example, Uganda has refused to allow unexamined diplomatic pouches into the country during its currency changeover. The U.S. formally protested both incidents, but the practice will likely be a permanent feature of currency changeovers, at least in Africa.

U.S. military and civilian personnel at Kagnew station in Ethiopia dropped from 1,600 to 1,000 during the first six months of 1972, a State Department spokesman acknowledged. An informed U.S. official predicted the U.S. would quit Kagnew within two years at most. The Emperor reportedly is unhappy.

Zaire, Nigeria, and the three East African countries devalued by about 10 per cent following the U.S. Nigeria had not done so following the first U.S. devaluation. South Africa, which devalued the first time the U.S. did, held fast this time, receiving an informal expression of appreciation from the "highest levels" of the U.S. government.

The availability of PL 480 commodities for African programs is being sharply limited by the Presidential ceiling on PL 480 world-wide, plus his insistence that an increasing percentage of the program be channeled into Indochina. In recent months, wheat programs in Tunisia and Morocco and a rice program in Guinea have been affected. If Congress doesn't grant Nixon his North Vietnam aid program, then there may be even greater cuts in PL 480 for Africa in favor of Hanoi.

After coming slowly to the realization that he really should hold hearings on Africa if he were to keep his Senate Foreign Relations subcommittee, Sen. Gale McGee decided to jump ship rather than become too closely identified with African questions.

McGee sought the International Organizations subcommittee during a recent closed Senate Foreign Relations meeting. When he didn't get that, he decided to take Latin America—anything but Africa. Sen. George McGovern, the onetime Presidential candidate, was next in line. Following the "Anything But Africa" philosophy, McGovern took the South Asia subcommittee. Where did this leave the Wallflower Continent? Why, in the hands of Sen. Hubert Humphrey. His office, of course, had no hesitation in saying the Senator would be holding hearings.

Humphrey's "ascendancy" to the Senate's African stool brings back memories of New Year's 1968 in Liberia. Humphrey handing out Senate gallery passes to children at the Firestone plantation. Promising Kenneth Kaunda support on southern Africa. Always promising more than he could deliver, but always, one felt, earnestly wishing he could deliver. Even now, if he tries to deliver—by saying Africa policy is a shambles—his critics in the White House and across the country will say, "It's only Humphrey, confusing civil rights and foreign policy."

Somehow Hubert Humphrey and Africa deserve each other. They have the same problem: they can't win because of image problems.

Think of Humphrey and one's thoughts turn by Lyndon Johnson, the man who never hesitated to do what he thought was right for Africa as well as anywhere else. There's the story, reliably told, of Johnson explaining to Kaunda why he had joined with Belgium in the paratroop drop on Stanleyville. "Damn it, Mr. President," LBJ finally said, slamming his hand down. "Ah jes' can't have them eatin' any of mah boys."

But LBJ could also shoot from the other hip. He only went to Africa once, and only to one country. Senegal in 1961. As the story goes, the wife of the American chief of mission told Lady Bird shortly before President Senghor and his cabinet were to arrive that since she knew the Johnsons were from Texas, she had arranged it so they wouldn't have to sit next to any Africans at dinner. The veteran diplomat and his wife were shipped out of Dakar in a matter of days, replaced by a political appointee.

Now, however, the candor of cowboy diplomacy in Africa of the 1960s has been replaced by mirrors, optical illusion, and sleight of hand. As the southern Africa Policy Crisis grows, it finds its old Asian Ally, the Credibility Gap. The Rhodesian affair, in particular, has begun to take on a distinct, Watergate-like aroma.

During his confirmation hearing January 29, Deputy Secretary of State Kenneth Rush denied that he had raised the chrome matter with anyone since leaving Union Carbide for the Nixon team. I have very scrupulously refrained from

discussing, either formally or informally, the subject of chrome with anyone since I have been ambassador to Rhodesia (sic)." Rush said. However, because of his previous affiliation Rush said he would be "neutral" at State on all questions concerning chrome.

In an interview later Rush made it clear that he would, nevertheless, participate in other aspects of Rhodesia policy.

Asked if Union Carbide might have been guilty of bad faith in its late 1966 transfer of funds to Rhodesia to beat mandatory sanctions, Rush replied, "It could be. It's a small matter. I'm not familiar with it." Rush had become president of Union Carbide in April, 1966. From 1954 to 1964, however, Rush was the corporation's vice president in charge of all ore questions, including procurement.

In testimony before House Foreign Affairs sub-committees February 21, Assistant Secretary of State David Newsom said the Treasury made the 1970 determination that Carbide was legally entitled to import 150,000 tons of chrome from Rhodesia "on the basis of the facts available" and that the State Department accepted that.

The statements, it would seem, raise more questions than they answer. While it is understandable that Rush might want to be neutral on the 150,000-ton exception question, why should he be neutral on the Byrd Amendment, which arose two years after he became ambassador to Bonn? Indeed, might it not be true that the only way he could eliminate suspicion is to oppose the Byrd Amendment as did his predecessor, John Irwin?

If Rush was "not familiar" with the transfer, by the company of which he was president, of several million dollars to Rhodesia in the midst of a turbulent political situation, then how can he be sure it was a "small matter?" Just how thorough was the Treasury's 1970 investigation of the 1966 transfer? If, in fact, everything Union Carbide did in 1966 was perfectly legal, why didn't the Johnson administration allow the 150,000-ton exception? State officials dealing with Rhodesia policy told me in the spring of 1967 that they were upset about Carbide's sanctions busting efforts, but they were hesitant to go into details and the story then seemed too complicated to pursue.

It should be understood that at stake six years later is not just Rush's credibility or that of the administration's Rhodesia policy, but also U.S. credibility on any international question involving sanctions. The recent U.S. proposals for world monetary reform involve a system of "sanctions" to be applied to any nation running an excess balance of payments surplus. Can any nation now doubt but that the U.S. would flout these sanctions just as soon as they began to adversely affect the U.S.? Let Congress legislate the violation, just like the Byrd device, leaving it to the State Department to explain the American "system" of government to others.

In other testimony February 21 David Newsom said, "We have enforced sanctions as vigorously as any nation." He disclosed that U.S. imports from Rhodesia during the first year of the Byrd Amendment totalled \$13.3 million thus leaving the impression that British violations of sanctions have been at least as great.

Newsom also said, "Press reports stating we had turned down Zambian requests for governmental assistance in the present emergency are in error. Beyond indicating the availability of Export-Import Bank financing to Zambia, no decision has as yet been made on a series of needs which Zambia has discussed with us and with other donors." Followers of Nixon policy lore will recall that in defending the Azores agreement the State Department sought to convey the impression that Ex-Im flows do not constitute economic assistance.

The State Department often makes the general statement that the U.S. wants sanctions tightened, but Newsom did not go so far as to commend Zambia for its attempt to comply. He said Zambia's foreign exchange situation "initially at least" is "good." The Zambian aid requests, he said, "could be in the neighborhood of \$60 million to \$100 million, but no one has put a precise figure on it." Newsom left the impression that the U.S. quietly hopes Zambia will renew economic contact with Rhodesia, perhaps when its coal stockpile runs low and shipments pile up at Dar es Salaam and Lobito, a step which of necessity would reduce tension between the once federated partners. Newsom's concern for Zambia in February contrasted with the U.S. abstention in January because of tobacco lobby pressure, on a World Bank vote on a tobacco project in Zambia.

As for Rhodesia, the U.S. said January 31 it "can not condone" Smith's action closing the border with Zambia. The circumspect criticism was appropriate, for there can be little doubt but that the U.S. has contributed heavily to the

confidence of the Rhodesian government. An informed White House official disclosed the thaw in U.S.-Rhodesia policy began in the fall of 1971 with secret messages directly to Smith saying Washington would support in effect any settlement he could reach with Heath. Smith released convicted U.S. intelligence agents as a gesture of good will.

In January, 1972, the White House said Britain was the only victim of the Rhodesian rebellion. The Clark MacGregor visit, and Kenneth Rush's move to State, completed Smith's euphoria. Nixon was briefed on Rhodesia for his meeting with Heath February 1-2, but what, if anything, the two decided will take time to discern.

The February 21-22 House Foreign Affairs hearings shed still more light on the Byrd affair. Unchallenged testimony by Edgar Lockwood of the Washington Office on Africa showed jobs have been lost rather than gained by the Byrd caper as Union Carbide has developed low cost chrome processing plants in Rhodesia and South Africa, forcing Foote Mineral to close some of its U.S. operations.

Radio commentator Fulton Lewis III, apparently influential in persuading Byrd to plunge ahead in 1971, first denied any foreign government had paid his travel expenses and then back tracked when confronted with the Rhodesian Information Office report showing he had accepted \$1,000 in February, 1972. He explained he could not have afforded the trip to Salisbury without the contribution. Earlier Lewis had described Ian Smith as "a kind of George Washington figure."

Kenneth Towsey, the Rhodesian "liaison office" director and his aide John Hooper do not have valid passports, according to a State letter to Rep. Charles Diggs. Towsey also faces problems from Sen. Humphrey, who stated flatly May 27 that the U.S. should maintain sanctions until majority rule, not just a British settlement or one providing for "eventual" majority rule.

Turning to policy toward Portugal, White House hopes that the necessity for choice in Guinea-Bissau could be avoided for this year as a result of Amilcar Cabral's death are being dimmed by State field reports that the PAIGC plans to proclaim UDI anyway. State's statement that the U.S. "must deplore acts of this kind" did not exceed guidelines which also regret PAIGC's use of violence.

Helmut Sonnenfeldt, Henry Kissinger's aide for European questions, rejected efforts last fall by intermediaries seeking to arrange a private meeting between him and Cabral during the PAIGC founder's final U.S. visit.

Ex-Im announced December 27 a \$7.5 million cooperative financing facility for the Sociedade Financiera Portuguesa. A few days later the Portuguese press disclosed and State confirmed the \$1.9 million sale authorized last summer of 12 Bell helicopters for "internal transportation" in Mozambique, where Lisbon reports its network of 150 landing strips and 30 airfields in the northern part of the country is nearly complete. The disclosure indicates a virtual green light for U.S. commercial participation in Portuguese pacification programs, and suggests a business motive for Clark MacGregor's visit in December. His firm, United Aircraft, produces Sikorsky helicopters. The trend almost makes one feel sorry for Chrysler—indicted by a federal grand jury in January for allegedly shipping military engines to Portugal in 1968 and 1970 for amphibious armored vehicles.

U.S. sources say approval of the sale of the Europeans long-range naval reconnaissance plane, the "Atlantique,"—which has GE electronic gear—to South Africa is being held up on the basis of Commerce Department's argument that the U.S. should offer to sell South Africa a wholly "made in USA" plane. These sources also suggest South Africa would like to acquire planes designed for firefighting—which, by the way, have excellent potential for conversion to gunships.

A tip from U.S. sources also provided first word of the new South African Airways application to fly to New York via the Cape Verdes and/or Las Palmas. Approval would mean a widening SAA edge over Pan Am on JFK-Jan Smuts service and improved connections between the U.S. and Portuguese Africa.

Sen. Edward Kennedy in February asked State why he had not been notified of Ambassador John Hurd's Washington visit in January. State had said in a November 3 letter that the U.S. ambassador to South Africa would "be happy" to meet Kennedy on his next trip home. In January State rebuffed Diggs's efforts to get Ambassador Hurd to appear before his subcommittee during his visit. Some observers wouldn't be surprised if Hurd does not return to Washington until after the 1976 elections, although this apparently would be something of a hardship for Mrs. Hurd, who, according to State sources, has felt the quality of South African domestic servants to be inadequate. Hurd apparently had hoped to have a new diplomatic post, but the White House apparently decided it did not want him to face another Hill confirmation hearing.

During his mid-winter visit financed in part at least by unspecified private South African sources, Chief Gatsha Buthelezi among other things shook hands with the President, had his picture taken with Sen. Kennedy, and had a substantive conversation with White House Africa aide Fernando Rondon who, according to informed sources, stressed to the KwaZulu leader that the U.S. can not become involved in the internal affairs of South Africa. Harry Oppenheimer visited Columbus, Indiana, in early March for extended talks with top U.S. executives.

Incidentally, the report of State's African Advisory Council on South Africa is a public document together with the report of the delegation it sent to South Africa last spring.

The February decision to end all restrictions on U.S. investment flows abroad by the end of 1974 will mean the end of the last of the non-military discriminatory regulations imposed on South Africa during the 1960s.

South Africa and Nigeria are now by far America's two most important trading partners in Africa. Trade with South Africa grew by less than two percent in 1972 to \$922 million, while trade with Nigeria grew 28 percent to \$385 million. The LNG plants may enable Nigeria in time to overtake South Africa in both U.S. trade and investment. David Newsom volunteered February 21 that U.S. interests in Nigeria are "by any yardstick far greater" than in Rhodesia.

If one didn't know so well the "neutrality" position of his superiors, one might suspect Newsom was trying to say something beyond representing his black clients to Congress.

Comedian Dick Gregory is predicting to campus audiences this winter that Africa's oil and gas reserves will be vital to relieving our energy "crisis" and this means the U.S. will have to become "thoroughly integrated" within 18 months. Gregory has not been invited to address the National Security Council.

Mr. DIGGS. Now I call upon the witness from the Department of Commerce. I will ask Mr. Oudes to remain at the witness table because the questions will come following the presentation by the Department.

Our second witness today is Mr. Rauer H. Meyer, the Director of the Office of Export Control, Bureau of East-West Trade in the Department of Commerce.

Mr. Meyer, you are being accompanied this afternoon by whom?

STATEMENT OF RAUER H. MEYER, DIRECTOR, OFFICE OF EXPORT CONTROL, BUREAU OF EAST-WEST TRADE, DEPARTMENT OF COMMERCE

Mr. Meyer began his Government career as an economist with the Office of Price Administration in 1941. He joined the Board of Economic Warfare in 1943. He served with that agency and its successor agencies, the Office of Economic Warfare and the Foreign Economic Administration, as an economist and commodity-industry analyst until export control functions were assumed by the Department of Commerce in 1945.

Since that time, Mr. Meyer has held increasingly responsible positions in the Department's export control activity. He was Assistant Director of the Petroleum and Materials Division, Director of the Materials Division, and Deputy Director of the Office of Export Control in 1960 before being named Director of the Office in July 1965.

Mr. Meyer was born in Bottineau, North Dakota, on February 3, 1917. He received his A.B. Degree in Economics and History from Westminster College, New Wilmington, Pennsylvania, and was awarded a Master's Degree in International Economics from the University of Chicago. In November and December of 1971 he accompanied Secretary of Commerce Stans on his trade mission to Sweden, the USSR, and Poland.

Mr. MEYER. Thomas Burns on my right from the Office of Export Control and Richard Hull from the Office of the General Counsel.

Mr. DIGGS. Before you begin your testimony, Mr. Meyer, could you do as Mr. Oudes did, give us some information about yourself?

Mr. MEYER. I have been a Director of the Office since 1965 and have been in the Office of Export Control for approximately 25 years. My

education includes an A.B. degree from Westminster College, and a master's degree from the University of Chicago in international economics.

Mr. DIGGS. You have a prepared statement, sir. You may proceed.

Mr. MEYER. Thank you.

Mr. Chairman and members of the committee, I welcome the opportunity to summarize for you Commerce's current policy and practice with respect to "Implementation of the Arms Embargo against Portugal and South Africa." Before dealing with the specifics your letter cited, I would like to make a general statement of our policy regarding these countries.

REPUBLIC OF SOUTH AFRICA

In implementation of announcements by Ambassador Stevenson in the U.N. Security Council on August 2 and December 4, 1963, the United States has strictly adhered to the arms embargo to South Africa.

The U.S. arms embargo policy is administered by the export control authorities of both the Departments of State and Commerce. Materials and equipment which are strictly military in nature are controlled by the State Department while related or multipurpose items fall within the responsibility of the Department of Commerce. Pursuant to this policy, the Office of Export Control denies for export to that country applications for: military automotive vehicles, military transport aircraft and related items, shotgun shells and parts therefor, and certain machine tools for the production or maintenance of arms and munitions.

In addition, Commerce maintains controls over certain multipurpose items (for example civil aircraft and airborne communications equipment) and does not authorize their export to South Africa if there is likely to be a military use.

PORTUGAL AND ITS AFRICAN TERRITORIES

In support of the U.S. Government's embargo of arms, munitions, and implements of war for use in Portuguese-African territories, Commerce maintains close surveillance over exports to Portugal and the African territories of military noncombat vehicles, civil and demilitarized aircraft, aircraft landing mats, and tire casings specially constructed to be bulletproof or to run when deflated in order to insure that export of these items under Commerce's jurisdiction are consistent with U.S. policy objectives. Exports of these items are generally approved when civil end-use is clearly indicated.

In this context, I would now like to review the Department's policy and practice with respect to the specific subjects you asked us to deal with.

(1) With respect to sales to the South African and Portuguese military, including sales of communication, transport, and radar equipment, our policy and practice is as follows: All exports to the military of commodities and technical data subject to the requirement of validated export licenses are carefully reviewed in consultation with the Department of State and, in certain cases, with the Department of Defense to determine whether approval would be consonant with the U.S. arms embargo policy established for these destinations.

This practice includes license applications for communication, transport, and radar equipment subject to validated license control. The current licensing policy is to deny such exports, if the items have a direct and clear application in combat, or to internal security operations.

Thus, in the past we have denied certain licenses for such export sales as civil aircraft, aircraft and military truck spare parts, and certain electronic equipment. There have been no recent applications of this nature filed with the Department.

(2) With respect to sales of aircraft to South Africa and Portugal, all commercial aircraft under Department of Commerce licensing consideration are subject to validated license control to both South Africa and Portugal, as well as other destinations.

Our licensing policy is to approve export licenses for aircraft to civil end-users for civil end-use in either country. Our policy is to deny exports of most U.S. civil aircraft destined to military consignees for both areas. This applies also to exports of U.S. components for use in foreign-made aircraft for military use.

We are, however, prepared to consider exports of certain types of civil aircraft in reasonable quantities and upon receipt of satisfactory evidence as to end-use.

(3) With respect to third party componentry—the Department of Commerce's export control regulations provide that parts, components, materials, or other commodities exported from the United States and used abroad to manufacture or produce a foreign-made end product are subject to the export control laws of the United States. The U.S. Department of Commerce exercises vigilance over exports and reexports of these commodities in order to prevent such exports or reexports from being used for a purpose detrimental to the national security or foreign policy of the United States.

The use of important U.S. aircraft components in aircraft manufactured in third countries and destined for sale to South African or Portuguese military is subject to our parts and components controls and such transactions that come to our attention would be dealt with in the same manner as would export of U.S. aircraft to military consignees in these countries.

We have denied the use of U.S. components in third country aircraft proposed for sale to the South African military on a number of occasions in the past, but have had no recent experience. We have had no licensing experience involving U.S. components in third country aircraft destined for Portugal.

(4) As to herbicides, our controls are limited. Because of their use in agriculture, the preponderance of herbicidal chemicals are not under validated license control to Portugal and South Africa. Two herbicidal chemicals and their formulated products are, however, currently controlled by Commerce to all designations. Their addition to our commodity control list in early 1970 was the only change in the last 4 years in the list of herbicides subject to validated licenses for export to Portugal and her overseas territories.

These are butyl 2,4-dichloro-phenoxyacetate and 2,4,5-trichloro-phenoxyacetate. They are combination herbicide-defoliants and are predominantly of agricultural use, including farm and industrial fence-row clearing, roadway, and railway weed and brush control, and

construction site clearing. The more potent defoliants that are favored for military use are controlled by the Office of Munitions Control, Department of State.

To obtain a license, a prospective exporter must file an application setting forth all the relevant facts respecting the nature of the product, the quantity involved, and the intended user and use. In addition, he must furnish a statement from the consignee regarding the use of the product.

Our practice is to approve exports of these particular herbicides only after we are assured that the quantities requested, and the proposed end-use and end-user do not raise questions concerning their use as a defoliant for military purposes.

(5) Regarding the training of South African and Portuguese military, this is not a matter for which the Department of Commerce has responsibility. I understand that the Department of Defense is dealing with this.

(6) With respect to films containing material of an unclassified nature, these are not subject to validated license control to any destination, except for Southern Rhodesia. Accordingly, there would be no prohibition regarding the distribution of DOD films or other films, if unclassified. Classified film, on the other hand, is subject to control by the Office of Munitions Control, Department of State.

In response to your request to be informed as to precisely which items can be exported under general license to the South African and Portuguese military or their agents, I am submitting for the record a copy of the Department's Commodity Control List. This list contains all commodities under the licensing jurisdiction of the Department of Commerce. We have underlined in red all entries covering commodities that may be exported to Portugal and/or South Africa under general license.

Such commodities may be exported or reexported to any consignee in these destinations, unless, through the Department's administrative sanctions procedure, the firm or individual has been denied export privileges for having violated the export control regulations.

[The information referred to follows:]

AIRCRAFT AND HELICOPTER LICENSES AND REEXPORT AUTHORIZATIONS ISSUED TO PORTUGUESE TERRITORIES IN AFRICA DURING 1972 AND 1973 (AS OF MAR. 15)

Country and issuance date	Commodity	Value	End use
Angola:			
Jan. 24, 1972	Aircraft	85,300	Agricultural spraying.
Dec. 20, 1972	do	90,620	Do.
Feb. 27, 1973	do	26,000	Private use.
Mar. 1, 1973	Helicopter with parts	140,000	Transportation of personnel and supplies.
Mozambique:			
Jan. 7, 1972	Aircraft	121,600	Private use.
Aug. 1, 1972	do	70,000	Fish spotting.
Aug. 9, 1972	Helicopters with parts	280,108	Geological survey.
Nov. 3, 1972	Aircraft	150,440	Air taxi.
Do	do	150,440	Do.
Do	do	539,397	Do.
Nov. 9, 1972	Helicopters with accessories and parts	1,726,085	Telephone line inspection, harbor supervision, etc.
Nov. 21, 1972	Aircraft	143,950	Air taxi.
Jan. 15, 1973	do	143,985	Do.
Feb. 2, 1973	do	25,000	Flying school.
Do	do	30,000	Crop spraying.

Note: Guinea; Madeira Islands; Western Portuguese Africa, NEC, Nil.

Mr. MEYER. Your letter referred to the recent prosecution of Chrysler. According to the Department of State, this is an enforcement matter being pursued by the Office of Munitions Control, Department of State, in connection with a possible violation of their controls.

In response to your request for details as to recent purchases of U.S. aircraft by the Portuguese territories, I have appended to my statement a table showing our export and reexport authorizations for 1972 and 1973 to date. Whether these authorizations were translated into actual sales—we do not know.

With regard to the items that have been removed from our validated license control list in the past 6 years for the Communist countries, South Africa and Portugal, it will take a little time to develop this information. I will be glad to supply it for the record.

Mr. Duggs. Without objection, the record will be left open at this point so that the information can be provided.⁵

Mr. MEYER. Respecting Department of Commerce policy and practice in granting or denying licenses to export for use by the South African or Portuguese Governments of: transportation equipment of all kinds; kits for transforming civilian aircraft to special uses; communications equipment; radar; and spare parts for all kinds of military equipment, it must be borne in mind that there are three levels of controls over such equipment: (1) goods on the U.S. munitions list and subject to export licensing authority of the Office of Munitions Control, State; (2) goods on Commerce's commodity control list requiring a validated license to South Africa and Portugal/Portuguese Africa; and (3) goods under Commerce's jurisdiction that are exportable under general license to those destinations.

When licenses are required from the Department of Commerce for this range of equipment, our practice is to apply the policy I described at the beginning of my statement. I should note that there is a wide range of equipment of the type you ask about that requires no validated license.

The Atlantique is a NATO Maritime Patrol aircraft and is not subject to Department of Commerce's controls. According to State, by and large the U.S. components exported for use in the Atlantique are subject to the controls exercised by the Office of Munitions Control, Department of State. And their reexport to third countries is restricted.

Finally, you asked for a list of pending applications and particulars (vendor, consignee, end-user, statement on each item sold and the nature of each item) of all validated licenses approved, not approved, or not acted upon over the last 6 years for export to Portugal and South Africa. I regret that I cannot provide the specific information requested. Under section 7(c) of the Export Administration Act of 1969, as amended, and before that, under an identical provision contained in section 6(c) of the Export Control Act, business information obtained by us must be held in confidence and may not be disclosed unless the Secretary of Commerce determines that the withholding thereof would be contrary to the national interest.

I would, of course, be glad to supply for the record a list of licenses issued and denied, their value, and country of destination. This is the

⁵ The data appears in the appendix at p. 185.

information respecting our licensing actions that, under longstanding arrangement with Congress, we customarily publish.⁶

This concludes my statement. I would be glad to answer any questions you may have.

Mr. DIGGS. Thank you, Mr. Meyer.

The gentleman from Iowa, Mr. Culver.

Mr. CULVER. Thank you, Mr. Chairman.

Mr. Meyer, how confident are you that this control program actually works?

Mr. MEYER. I am confident it works in the sense that if we require licenses to be issued before a given export can be made that American businessmen are filing applications and if we do not issue licenses, the record, so far as I am aware, does not indicate that there have been any violations.

Mr. CULVER. Of course, the thrust of my question is whether or not in your personal judgment—as a man who is extremely sophisticated and knowledgeable about this area of governmental administration—whether or not you are confident that these controls in their actual operation are indeed effective in bringing about the desired result.

Mr. MEYER. As I indicated in my statement, Mr. Culver, we require certain detailed information with the application. We require a statement from the prospective consignee. On the basis of that, we judge whether or not it would be in our national interest.

Mr. CULVER. You have outlined very clearly here all the administrative scaffolding, all the various bureaucratic redtape that you subject a potential exporter here in this country to in order to trade in these areas in this particular list of goods.

My question is the extent to which you really are confident that this administrative scaffolding is indeed successful in denying the Portuguese territories significant amounts of this type of goods or this type of military equipment or commodities. That is all I am asking, whether or not you are confident that it is working.

Mr. MEYER. Yes, sir; I think it is.

Mr. CULVER. What opportunities have you had to actually monitor the program by way of subsequent followup, periodic check, either within Portugal, itself, or in the Portuguese territories?

Mr. MEYER. Over the broad spans of our controls, we get a variety of information, intelligence sources, business sources, foreign service, that from time to time report what is happening to U.S. goods. The same sort of intelligence information is available to supply information respecting what we license to South Africa and Portuguese territories.

I know of no instances in which something we have licensed for what we felt was a peaceful end use has been put to an improper end use.

Mr. CULVER. You mean through all these various sources, through all this multiplicity of transactions involved here, and all the licenses you have awarded, that you have yet to detect one single instance where, in fact, the terms and understandings of a particular transaction were not complied with?

⁶ See appendix, p. 185.

Mr. MEYER. Please understand we do not mount a deliberate, organized, broad intelligence effort to track down products.

Mr. CULVER. You said on the basis of the grapevine available to you that you have not had a person stumble across one situation where in fact the Portuguese have not utilized this equipment or the particular sale in the way their licensee indicated they would not?

Mr. MEYER. We have had no occasion to pursue a violation of our regulations in this regard.

Mr. CULVER. Does that suggest that the particular monitoring program you have is woefully inadequate, ludicrous, or unreliable? It is inconceivable, human nature being what it is, and the enormity of the political pressures operating on this issue, that there would not be all kinds of hanky-panky.

Mr. MEYER. Our licensing experience for the range of products we are discussing here to these two countries has not been very extensive.

Mr. CULVER. Has not been very extensive?

Mr. MEYER. No, sir.

Mr. CULVER. If I were to give you a free ticket right now to Mozambique, and I gave you 2 weeks and we could work it out with the Portuguese officials, how confident are you that you could report back to this committee no instances of misuse and violations technically and otherwise of the agreements and the understandings?

Mr. MEYER. I would have to judge by the record and feel that it would probably be on the basis of the record to date a clean report, but I have no way of judging if I were on the spot what I might find.

Mr. CULVER. How much assurance do you have that the particular business arrangements that are organized in Portugal, to receive goods from the United States, which are on the embargo list, are bona fide groups and industries and genuinely for civil use by commercial groups and not just fronts for the Government?

Mr. MEYER. I would say I would be rather confident. If we had any questions in our minds as to the bona fides of the parties, we would check them rather thoroughly.

Mr. CULVER. You check them out rather thoroughly?

Mr. MEYER. Yes, sir.

Mr. CULVER. You don't do this on a very systematic basis in terms of the degree of compliance you are experiencing? Describe specifically what you rely on by way of reporting in the field to insure compliance in these transactions.

Mr. MEYER. Let me put the answer in context. We do, of course, operate with certain finite resources. We have in the Office of Export Control a compliance division. We have our own investigative staff, in other words. We receive intelligence information from a variety of sources as indicated, the intelligence community, the business community, foreign service, the press, open sources; and if there is a suggestion of a violation, we attempt to identify the nature of it, the seriousness of it.

If it indeed has enough in it to suggest that there is real meat there, we pursue it.

Mr. CULVER. Do you ever systematically give a list like on a monthly basis to our State Department representatives and Embassy to go ahead and make spot checks in some of these situations?

Mr. MEYER. We do spot check transactions.

Mr. CULVER. Do you utilize the Embassy there?

Mr. MEYER. Yes.

Mr. CULVER. Do you have the CIA do it at all?

Mr. MEYER. We use the Embassy.

Mr. CULVER. On a systematic basis?

Mr. MEYER. Well, systematic in the sense that if we have reason to believe that a transaction ought to be pursued.

Mr. CULVER. Only in response to a particular problem area as suggested. You don't do it on your own routine?

Mr. MEYER. In the sense we may have before us the transactions with a statement from the applicant and the firm, a statement from the consignee, and if we establish the bona fides of the consignee and we are confident that the transaction is deserving of approval but yet there is something about it that we want to check out in terms of consummation of the transaction, we will take the supplemental step of making a postshipment check.

For this purpose, we use the Foreign Service. I am reminded that with respect to aircraft destined for Angola and Mozambique, we always make a precicensing check in the field.

Mr. CULVER. That is not true generally speaking, of course, across the whole landscape of your transaction?

Mr. MEYER. No. Here we have to be conscious of the fact that there are limited resources abroad, too. We try to apply them selectively.

Mr. CULVER. On page 6 of your statement, in the middle of the page, where you talk about a combination of herbicides and defoliants, I caught the words, "predominantly of agricultural use," and then in the next sentence you say: "The more potent defoliants that are favored for military use."

The ones that are favored for military use are controlled, but it certainly indicates that even though it may not be a first choice, how about the utilization of some of these others that you characterized as being predominantly for agricultural use. What is the adaptability of those for military purposes?

Mr. MEYER. It is the second best.

Mr. CULVER. You can use it?

Mr. MEYER. I presume perhaps with larger applications, I am not sure. It is strictly used to kill brush. There is a very practical distinction made here between what is once again favored for military use and that which is really a commercial use.

Mr. CULVER. On page 8, at the bottom of the page, with regard to the items that have been removed from our validated license control list in the past 6 years, could you explain, please, how these items are removed from our validated license control list? Who makes those decisions and the extent to which those decisions are made on a cooperative basis with United Nations members. Are those unilateral decisions and by whom and on what basis?

Mr. MEYER. These are commodities which are controlled by the United States, by the Department of Commerce. The Secretary of Commerce is delegated the authority.

Mr. CULVER. By the Congress?

Mr. MEYER. By the President. The legislation leaves to the President the administration. He has delegated it to the Secretary of Commerce.

We review these items, establish that if they were uncontrolled, their export would not be detrimental to the national security of the United States or to the foreign policy of the country. We consult extensively with other interested agencies in town. We look to the Department of Defense, for example, for advice regarding the impact on the national security if they are decontrolled.

We look to the Department of State for foreign policy judgments.

We review our controls more or less on a continuing basis in line with the congressional instruction in the Export Administration Act as amended that we are to control for the purpose of promoting the national security and foreign policy and preventing the excessive export of scarce items. The legislation under which we operate explicitly says we shall control only for those reasons and for no other reasons.

Clearly the implication of the act is that we shall control to the minimum extent necessary to achieve the policy objectives of the act.

So we look at each of the commodities under control, look at it from the standpoint of the need to control it for national security or national policy reasons.

If the judgment is, having gotten advice from the other agencies, that it is not necessary, then we perceive it to be our obligation under the act to decontrol.

Mr. CULVER. For example, let us take a case in point.

I think, Mr. Chairman, that this certainly is an area that I know you have expressed concern about; and I note, Mr. Meyer, you say you will be glad to supply it for the record. But let us take a case where we get an application for a particular item.

You mean you bounce that application over to the Pentagon to see what they have in their warehouse, and whether the national security interests of the United States will be threatened if Portugal gets the widget? I can see this procedure in terms of the license control list in the past 6 years for the Communist countries, but you certainly don't have difficulty in perceiving the distinction in national interest terms of the embargo on South Africa and Portugal, and some of our more traditional problems in the cold war context with the Communist states, do you?

I just wonder about the degree of sophistication and discrimination that is being utilized by the various departments you are talking about when they define the national security interest in this context as distinguished from that context.

Mr. MEYER. The principal thrust of our national security controls is with respect to exports to the Communist countries, but we do not neglect the implication for national security of the other controls. We do control an extensive list of commodities to free world destinations for the primary purpose of preventing their diversion to Communist countries.

In terms of implementing the national policy objectives with respect to South Africa and Portugal and the Portuguese territories, we try to establish what commodities are of particular concern, we try to operate under certain policy guidelines, and to the extent that it is necessary we consult with other agencies regarding the applicability of policy objectives, policy considerations.

We consult on that basis. It is not as necessary to consult if we were to get something closely akin to a military item and destined for the military, because there the policy is clear.

Mr. CULVER. Does the State Department have any primacy in this area in determining what item you take off the list or just the Pentagon?

Mr. MEYER. At the same time we bounce it to him, we bounce it to the State Department.

Mr. CULVER. And the State Department is in a position to veto.

Mr. MEYER. The State Department gives us policy advice on foreign policy matters.

Mr. CULVER. But you can override the State Department input on this point, the Secretary of Commerce can.

Mr. MEYER. The Secretary of Commerce is the responsible agent, but when we look, as Congress directs us to look, to other agencies for advice on foreign policy and we look to the State Department for that purpose, and the State Department adopts a certain position as experts in the matter of foreign policy, it would be a rare occasion, I think, when the Secretary of Commerce would override the State Department.

Mr. CULVER. Mr. Chairman, I wonder if we could also perhaps, in connection with this request for this particular information, be provided with information on the extent to which, in the consideration of the license control list, the State Department was overruled by the Commerce Department.

Mr. DIGGS. Can that information be provided?

Mr. MEYER. I will take it back, Mr. Chairman, and explore it. This does relate to the internal operations. There may be some difficulty about it.

[The information referred to follows:]

There was no instance, in the consideration of the license control list, where divergent views were held by the Secretaries of State and Commerce. There was an instance which occurred in September 1969 where the Department of State made a proposal which Commerce found difficult to implement. The Department of State at staff level recommended to Commerce that general purpose "automotive parts destined to South African military vehicles" be placed under validated license control. At the time, as they now are, general purpose auto parts were under general license to all Free world countries, including South Africa. Commerce did not agree with State's recommendation principally because it would not have been possible to enforce controls on the basis of end-use or end-user of items of such common availability. The disagreement continued unresolved until October 1970, when State withdrew its proposal.

Mr. DIGGS. Is there any reason, Counsel, that you foresee some problem in complying with the committee's requests?

STATEMENT OF RICHARD HULL, DEPUTY ASSISTANT FOR GENERAL COUNSEL, DOMESTIC INTERNATIONAL BUSINESS, DEPARTMENT OF COMMERCE

Mr. HULL. I am not sure, Mr. Chairman. I can conceive a situation where the interplay between agencies would be something that the President would want to consider before he would submit this to the committee. This is merely on my part a precaution.

Mr. DIGGS. There is your answer. I don't know whether you are satisfied with it.

Mr. CULVER. Mr. Chairman, I think when we get to the consideration of the Export Control Act and I think a number of other matters of legislation now before the Congress, we are going to be interested in

a whole battery of amendments where certain areas of heretofore discretionary authority by the Executive has been granted in good faith by the Congress in a desire to have a sound and responsible foreign policy with some flexibility to it.

But when that proves to be unworkable in terms of equipping Congress to perform its own constitutional responsibilities and is used to cloak and shield into secrecy areas that don't affect the national security interest, not only contribute to the avoidance of political embarrassment, the time has come for us to do something about it.

I hope, Mr. Chairman, that we will have a chance with appropriate staff consideration, to review very carefully this whole legislative area so that we get the kind of consideration and the kind of cooperation and, in fact, insist upon legislative draftsmanship of language so that we just no longer have the kind of experience that we are consistently being exposed to here which makes it so impossible for us to meet our own individual responsibilities as a separate and coequal branch of this Government. Thank you, Mr. Chairman.

Mr. DIGGS. I want to associate myself very strongly with the remarks just made by the gentleman from Iowa.

The gentleman from New York, Mr. Bingham.

Mr. BINGHAM. Thank you, Mr. Chairman.

I do appreciate the opportunity to ask two questions, although I am not a member of the subcommittee.

Mr. MEYER, on page 3, you say that in the past you "have denied certain licenses for such export sales of civil aircraft, aircraft military trucks and spare parts, and certain electronic equipment. There have been no recent applications of this nature filed for the department."

My recollection is that in the last year or two, some large civil aircraft were delineated for sale to Portugal or South Africa, I am not sure which, 707's or 727's.

How would you reconcile that fact if it is correct, with these statements?

Mr. MEYER. This particular paragraph on page 3 deals with sales to the South Africa and Portuguese military. The statement at the bottom of that paragraph is in that context. We denied licenses for such export sales to the military.

Mr. BINGHAM. Do you recall the case that I am referring to?

Mr. MEYER. I think I know which one you are referring to, yes. Once again, I think my statement is accurate. What we approved, we approved after we were persuaded that there would be no military use.

Mr. BINGHAM. When you make a sale of civil aircraft to a government, you are making a sale to that government, are you not? And these were being sold to the government. Their potential use for military transportation operations, for example, would be the same whether you were selling them to the military department or to the Department of Aviation, would it not?

Mr. MEYER. Once we have licensed, once the aircraft has been shipped, yes, the possibility exists that the basis on which we granted the license, the undertaking of the various parties, the consignee, et cetera, would be violated.

As I indicated earlier, I cannot recall any instance in which this has occurred.

Mr. BINGHAM. That gets into the area of to what extent there is an actual check which Mr. Culver went into.

Turning to page 10, you indicate that certain information about licenses and denial of licenses is routinely released, but that other information is considered to be business information which must be held in confidence. I don't understand the distinction, why certain information about these licenses is released, but the remainder of this information is considered to be business information.

Mr. MEYER. We make a distinction between information which would divulge the names of the parties to the transaction. We generalize the description of the commodities so that that description itself will not disclose who the parties are.

Mr. BINGHAM. What does this amount to then when you indicate the list of licenses issued and denied? Are you simply giving a list of numbers?

Mr. MEYER. No, every day we publish a list of the licenses issued the previous day, in which we say, for example, automotive equipment, trucks, valued at \$50,000 for France, South Africa, whatever the country is. This treatment is what was worked out approximately 1961 or 1960, I guess, with Congressman Moss. We have been pursuing this particular line since then.

Mr. BINGHAM. It would seem possible under the cloak of having considered this as business information the procedure being followed makes it very difficult for anyone to find out really what is going on in terms of who is selling what?

Mr. MEYER. I concede to the extent that we do not divulge everything, it is more difficult for you who would like to know all the facts to get them. We are under this inhibition which has been imposed in the Export Administration Act.

Mr. BINGHAM. Thank you, Mr. Chairman.

Mr. CULVER. Mr. Meyer, do you think that you were more forthcoming in the administration of your agency in this area before the Freedom of Information Act was enacted by the Congress than you are today?

Mr. MEYER. Let me answer that in two parts if I may. Yes, I think we are, although—

Mr. CULVER. You were?

Mr. MEYER. I think we are more forthcoming today, although there is in the Freedom of Information Act a provision which in effect exempts us where there is specific legislation providing for continued confidentiality.

Mr. CULVER. It seems to me that what we are experiencing with the implementation and the reported observance of the Freedom of Information Act in many areas of the executive branch is an enthusiastic seizure of the opportunity to construe the various aspects of that legislation to give you authority and justification for probably giving us less than you did before.

That is our problem. I was interested to the extent to which this, in fact, is taking place today. The gleeful finding that here Congress gives us an opportunity not to give them what they want, even though it comes under the mask of Freedom of Information Act.

We have congressional oversight in that area too and we will want to be taking a good hard look at the extent to which we are achieving our objective.

Mr. MEYER. The inhibition which I cite here on page 10 predates the Freedom of Information Act. So, I don't think one could conclude that we are using the Freedom of Information Act to deny this.

Mr. CULVER. I heard you in response to Mr. Bingham to suggest that it was Mr. Moss' bill that in some way had some impact on this particular issue. In what connection do you suggest that the Moss legislation has any application to your presentation today?

Mr. HULL. Perhaps I can answer that, Mr. Congressman.

We have been operating under the same confidentiality provision since 1949. It was previously under section 6(c) of the Export Control Act of 1949. The language is identical to the language now present.

Some time in 1961, Congressman Moss inquired as to the possibility of obtaining fuller information on the identity of firms trading with the Eastern European bloc that would be areas of concern. There was a lengthy exchange of letters. I think four letters in all, between the Secretary of Commerce, Mr. Moss, the General Counsel, then General Counsel of the Department of Commerce, where an arrangement was arrived at in the interest of providing Congress with as much information as possible without prejudicing the legitimate business interests of firms.

This arrangement resulted in the beginning of this practice which Mr. Meyer alluded to, of publishing on a daily basis as much information as we can without identifying the firms who are the exporters or manufacturers of the goods that are being exported.

Mr. CULVER. Now back, if I might, to this removal from the validated license control list of various items during the past 6 years for South Africa and Portugal. I am interested not only in our own internal administrative mechanisms by which we reach those determinations and the sufficiency and the adequacy of the State Department, which, after all, is the one great bureaucracy that is theoretically charged with the responsibility for seeing the faithful execution of American foreign policy.

Now, not only am I concerned about that and the extent to which they, in fact, are doing this rather than you, with all due respect, but I am also concerned with the extent to which you are required to engage in consultation with the other signatories to the U.N. Security Council embargo resolution prior to making this unilateral decision to exempt certain items from your list. This is important, because I can perceive of a situation where if the U.S. Government elects to take action in the absence of such international considerations, we could very quickly make swiss cheese of this operation.

We could avail ourselves of an opportunity to obtain some lucrative trading advantage and opportunity that would be denied to those who in good faith are observing a list which was initially worked out on a mutual basis to comport with the desired policy objective of denying these items to areas of the world for the purposes that we want to avoid their use.

Now, what is the problem here and how are we dealing with it?

Mr. MEYER. I don't believe, Mr. Culver, that there is a detailed or explicit list of products defined to meet the terms of the U.N. resolution. The United Nations resolution is in more general terms and we

have a job, indeed, every signatory has a job, of translating those general terms into the concrete for administration.

Mr. CULVER. That is understandable. To what extent do you do that in concert or are you all in a frolic on your own?

Mr. MEYER. You mean international?

Mr. CULVER. Yes.

Mr. MEYER. Let me defer to the State Department when their time comes. They are the ones who deal with the other countries.

Mr. CULVER. We are going to bring them in on this one.

Mr. MEYER. They are responsible.

Mr. CULVER. You are the chief administrator of this critical mechanism, the Export Control Act, in terms of the implementation and the degree of compliance that our Government complies with a U.N. Security Council resolution and you do not even know the extent?

It seems to me that at your level it would be absolutely essential. Are you in possession of the list, for example, from other members of the Security Council that has been agreed upon by their own governments? Do you have a list in your own shop that lists these things so that when you are ready to take widgets off our list you can see what that does to Great Britain in terms of trading in the same stuff?

Mr. MEYER. When we look at items on our list from the standpoint of asking ourselves whether it should be controlled or decontrolled and we consult the State Department, the question of what the other countries are doing comes into it. I would say in this connection that we have had complaints from some American companies that the United States is running a harder control, taking a harder line in terms of implementing the U.N. resolution than a good many of the other signatories.

Mr. CULVER. You would have that even if we were the weakest in some industries.

Mr. MEYER. That is true.

Mr. CULVER. It is inevitable.

One guy wants to sell his bag, is that right? You get a complaint. So that does not tell us much really. I am concerned and interested though in the degree of cooperation, because you will make a monkey of the whole effort if you don't have a degree of coordination in this whole area.

Mr. MEYER. The judgment that is made when we contemplate decontrolling an item is a judgment made on the basis of inputs from DOD and the Department of State and their concern is what is in the best national interest of the United States in terms of foreign policy and national security.

Mr. CULVER. Are you obligated to do it on a voluntary basis with the United Nations? Are they doing spot checks on end use, and are you working in cooperation with them in terms of violations you detect?

Mr. MEYER. Once again, I would rather defer to the Department of State on this. As I recall, at the moment we have no instances of having to check out something of this sort. I will be happy to go back and consult my colleagues and ascertain whether there have been such occasions.

Can you think of any, Tom?

**STATEMENT OF THOMAS BURNS, CHIEF, SPECIAL AREA PROGRAMS
BRANCH, POLICY PLANNING DIVISION, DEPARTMENT OF
COMMERCE**

Mr. BURNS. I can't, it is a Department of State responsibility.

Mr. CULVER. You work in this area on a day-to-day basis, and you don't have any idea whether the State Department works in cooperation with certain offices in the United Nations to coordinate this effort?

Mr. MEYER. I don't want to say I don't have any idea. I am sure there is this contact, but I would rather not define it because I am not sure of the particulars.

Mr. CULVER. Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Oudes, as an investigative journalist, what have you turned up with respect to the impact on our overall foreign policy position of what appears to be a gradual erosion of the arms embargo policy on the part of these various agencies?

Mr. OUDÉS. First of all, Mr. Chairman, as you know, I cover this question from Washington rather than from Africa at present. I would hope to make a visit in the near future. I rely basically on press reports and other secondhand sources for some kind of suggestion as to impact. Recently I noticed that John Updike, the author, expressed considerable amazement that throughout his State Department-sponsored tour of Africa, which encompassed Ghana, Nigeria, Kenya, Ethiopia, he was continually getting questions about the Azores Agreement and the U.S. alliance with Portugal, and the U.S. violation of the United Nations sanctions on Rhodesia. I think that speaks for itself about African opinion. Mr. Updike was quoted as saying he was not particularly aware before he left on his trip that Africans were critical of U.S. foreign policy in Africa. Americans in the United States may not pay much attention to African opinion, but they can't avoid it when they go there. Africans are losing their "Statue of Liberty" image of the United States and it is very difficult to estimate what this loss of credibility on southern African questions will cost us there in the long run. African ambassadors here have told me they are not very happy with United States southern Africa policy, but they are not in a position to speak out.

The Organization of African Unity does not have an embassy in Washington which could speak collectively for the African countries. Perhaps if it were to establish an office of some kind in Washington, we might hear some more forthright public comment from Africa as to its collective view of U.S. policy in this area.

I wonder if I might comment very briefly here on Mr. Meyer's statement and the questioning.

Mr. DIGGS. Let me propound a couple of other questions and perhaps in answering you can make comments that are pertinent to what the gentleman has said.

You, of course, have made charges here about excessive secrecy and obstructionism with respect to obtaining information. I am particularly curious about what you as a newspaperman consider the reason for this excessive secrecy that you have complained about and which has been alluded to in the colloquy between Congressman Culver and the witness.

Mr. OUDÉS. I think this varies widely depending upon the individual in the executive branch that one is talking to. Old friends and ac-

quaintances frequently are sympathetic and provide a tip here and there which, when checked with something else, can lead to something. But on an institutional basis, of course, there is a reluctance to come forth through the front door with solid information. I would not like to think so, but I am increasingly afraid I am beginning to suspect that there is some political intent in the fact that many bureaucrats cover up, not wanting to disclose the exact limits of the policy changes toward southern Africa that have gone on in the Nixon administration. Some agencies, some key people in these agencies, will refuse to see me now. Others will receive me and will talk quite openly, and I certainly appreciate all the cooperation I get from them.

For instance, here's a specific problem on an institutional basis I have with the Commerce Department, not in the trade area, but an investment question. At the end of last year when I was checking to find out from Commerce the total figures for U.S. investment in Africa for 1971, I found that they would give a continentwide figure. But except for South Africa, Libya, and Liberia, they would not disclose U.S. investment in individual African countries. In Libya the United States has roughly \$1 billion in investment, and in Liberia we have something less than \$100 million.

They refuse to break out U.S. direct investment in Nigeria. I had to find out by the back door through sources in another agency that the U.S. investment in Nigeria is now estimated to be \$900 million and rising quickly. It is certainly expected to bypass that in South Africa in the near future. As far as Commerce is concerned, however, the total amount of U.S. investment in Nigeria is classified. It may be strictly bureaucratic redtape. The reason Commerce gives why you could not break out more investment figures for individual countries is that one U.S. company often has the vast bulk of U.S. investment in a given country.

However, in the case of Nigeria, you have extensive investment by several American oil companies that make up the bulk of U.S. investment: Gulf, Mobil, Phillips, Tenneco, and a broad range of investors that have small amounts in manufacturing in Lagos. Further, it would seem to me that the American public has a right to know as a routine matter the names of those foreign countries in which one or two U.S. multinationals hold the better part of U.S. investment in a given country. These are situations in which there is a continuing potential for corporate shenanigans that are not in the interest of enlightened U.S. foreign policy. Through its secrecy, the Commerce Department is cooperating with the unenlightened self-interest of U.S. business abroad rather than the national interest. Senator Church's investigation, I believe, is going to get into this.

Similarly in terms of trade, particularly with sensitive areas, I think the American people also have a right to know the names of individual companies exporting and a precise description of the goods they are exporting to these areas because of the possibility, of course, such trade can lead to deeper involvement in a given area of tension. This is especially true in countries where guerrilla wars are going on right now such as Mozambique, Rhodesia, Angola, Guinea-Bissau, Ethiopia, and in one or two of the Persian Gulf sheikhdoms.

Mr. Diggs. You are acquainted, of course, with the Freedom of Information Act, as a practicing member of the fourth estate. Am I not correct in recalling that there is certain action under this act that

can be taken by private individuals and organizations to enforce the supply of adequate information?

Mr. OUBES. That is right. That is the purpose of my testimony today. One can make formal requests of an agency or several agencies for information and at a minimum if that information is to be refused there has to be a determination by the agency on what grounds that information is being withheld.

Mr. DIGGS. Are you aware of any likelihood that any individuals or organizations in the private sector might be prepared to pursue this aspect of the enforcement of that act?

Mr. OUBES. I am personally prepared to do so, and I have been in touch with such sources who are prepared to provide the legal help that might be required in the eventuality that this might have to go to court.

Mr. DIGGS. It looks like, Mr. Meyer, we have before us a change in policy. A policy which appears to represent some retrogression from the principles espoused by our Government before the Security Council of 1963, where the United States pledged itself to bring an end to all sales of military equipment to South Africa, all sales. As a matter of fact, Ambassador Stevenson characterized it as an important step, refusing to sell any military equipment to South Africa in order to avoid any actions that might contribute to international friction in this area.

What has brought about this change in our policy? Your statement shows that substantial amounts of military equipment are and have been exported to South Africa under this administration. You say it is for nonmilitary use, but I have not been impressed with the kind of definitions or your examples in your testimony. You certainly have not made a case that this is not for or could not be used for internal defense. It is simply frightening.

I know that our Government has been engaged in the last few months or so in some kind of warmup policy, a policy of normalizing governmental relations with South Africa. Is that what this reflects? Is this change in the policy on the part of Commerce part of the overall change in the administration's enforcement of the U.S. arms embargo policy?

Mr. Meyer, you characterized, if I understood you correctly, as suggesting or reflecting a change in policy. I don't think you meant to convey that. We do pursue a policy here of refusing to license to any consignee in South Africa specified equipment. I identified it here, that which reasonably can be closely related to military use. Beyond that we control equipment which is a step removed and refuse to license for military purpose to military consignees. But we do permit and authorize exports where we are satisfied there will be no military use.

Mr. CULVER. Will the gentleman yield?

Mr. DIGGS. I yield to the gentleman.

Mr. CULVER. I thank the gentleman.

Mr. Meyer, I gleaned from your statement today evidence that shows what could be termed a substantial relaxation of the control programs, at least in three areas that you have already made reference to.

One, by taking items off the validated license list. Secondly, by granting licenses for export of items still under validated licensing

controls such as aircraft. And thirdly, by shifting items from the munitions control category to validated licensing, and then granting the validated license.

In here besides, for example——

Mr. MEYER. May I comment?

With respect to the first point, taking items off the list, I appreciate the fact that what we did when we removed items from the list was to treat a broad range of controls. We had certain commodities under control to all free world destinations. We have more or less a continuing review of our controls because we are under an injunction from the Congress to reduce the controls, as I said, to the minimum essential to carry out the policy objectives of the act.

In other words, Congress wanted us to get out of the business of interfering with the commercial activities of the United States if it did not serve the policy objective of the legislation. We reviewed the items and decontrolled them from the standpoint of both foreign policy and national security.

Where we had them under control principally or exclusively because we didn't want them diverted to the Communist countries, and we came to the conclusion that there was no longer a concern there, off they came, not only for South Africa and Portugal, but for all the free world countries.

Mr. DIGGS. I am glad the gentleman made a reference to the defoliant problem, because it is just unbelievable to read a chart at the end of Mr. Meyer's statement and to learn that notwithstanding all of the reports of Portugal's use of herbicides to destroy the food of the African people in Angola and Mozambique and, even worse, to use defoliants which maim expectant mothers and cripple children—notwithstanding all of that the U.S. Government is selling aircraft for agricultural spraying and crop spraying in Angola and Mozambique, and that one sale was made just a month ago.

I would just like to know what your explanation is. What is your justification, Mr. Meyer, when this Government knows that Portugal is using defoliants and herbicides in its war against the African people? What is your justification for permitting the sale of aircraft in these instances?

Mr. MEYER. The justification is that we came to the conclusion after consulting with the other agencies, the Department of State, that we were persuaded that these aircraft would indeed be used for agricultural purposes and not for the type of military defoliant program.

Mr. DIGGS. On page 2 you say, "We do not sell military automotive vehicles to the South African military." What kind of military vehicles do we sell to the military? How can you justify any of this since transportation is crucial to the military? Can plain army trucks be sold to South Africa? How many of these have we sold?

Mr. MEYER. The products that I mentioned here, Mr. Chairman, military noncombat vehicles and others, are not licensed at all to South Africa.

Mr. DIGGS. When did we start permitting the export of military vehicles to the military in that area? This is something new.

Mr. MEYER. We don't try to make a distinction between the consignees for those products. We say no across the board where South Africa is given as the destination. It is only beyond this category of

goods where there are certain multipurpose items, such as civil aircraft and airborne communications equipment, that we recognize that there can be legitimate civilian or nonmilitary applications.

Mr. Diggs. Now you say you don't license military transport aircraft. Does your policy permit the sale of any transport aircraft to the military?

Mr. MEYER. No, sir.

Mr. Diggs. Did you have something further to say on that point?

Mr. MEYER. I was looking at page 3 with respect to my statement, sales to the military here, and I think it is fair to say that the general policy here is to have few, if any, exceptions to the general approach of not licensing transport aircraft to the military.

One possible exception might be where it would be used for VIP transport.

Mr. Diggs. Now I note that your policy does permit the export of certain machine tools for the production or maintenance of arms and munitions. Is that correct?

Mr. MEYER. No, sir. We deny for export certain machine tools that are used for this purpose.

Mr. Diggs. Your policy does not permit the export of certain machine tools for the production or maintenance of arms and munitions?

Mr. MEYER. That is correct.

Mr. Diggs. You refer to a multipurpose item. What is a multipurpose item?

Mr. MEYER. I cite here civil aircraft. Airborne communications equipment would be of utility on military aircraft and on commercial aircraft.

Mr. Diggs. What about the export of airborne communications equipment to the South African military? You mentioned civil aircraft and you indicated that there are exceptions to that application. What about airborne communications equipment to the South African military?

Mr. MEYER. We would not authorize the export to South Africa if we thought there was likely to be a military use. If we were persuaded that there would be a civilian use——

Mr. Diggs. What is a nonmilitary use by the military of these items? Where do you draw the line between how an airplane can be used, for example, for civilian and/or military use, or communications equipment going into air equipment. What does airborne communications equipment cover? Does it cover guided missiles?

Mr. MEYER. No. It covers such things as communications and navigation equipment. I am talking here of communications equipment under our jurisdiction. Military equipment of the types you were just talking about would be caught by the Office of Munitions Control in State.

Mr. Diggs. Now we are back over at State, is that correct?

Mr. MEYER. You identified certain military items here. I am trying to draw a distinction between those and the types of avionics that you find in common use in civil airlines and South Africa has an extensive civil airline operation.

Mr. Diggs. Do you know what the value of the equipment is, of the equipment that we sold to South Africa in the past few years, say in the past 6 years?

Mr. MEYER. When you say "equipment" you mean precisely what?

Mr. DIGGS. The kind of equipment we have been discussing here.

Mr. MEYER. Communications equipment?

Mr. DIGGS. That is right.

Mr. MEYER. I don't have the figure in mind, but we can work it up for you.

Mr. DIGGS. You can provide it for the record.

Mr. MEYER. Yes. What was the time period on that again?

Mr. DIGGS. Well, for the past 6 years.

[The information referred to follows:]

Exports to South Africa of communications equipment (1967-72)

724.9905—Transmitters and radio frequency power amplifiers, except broadcast type:		Value
1967	-----	854, 783
1968	-----	48, 081
1969	-----	130, 801
1970	-----	--
1971	-----	--
1972	-----	232, 101
Total	-----	465, 771
724.9915—Transceivers, single side band high frequency:		
1967	-----	340, 096
1968	-----	326, 306
1969	-----	108, 231
1970	-----	259, 563
1971	-----	13, 405
1972	-----	14, 625
Total	-----	1, 062, 226
724.9915—Radio communications systems, except mobile and microwave:		
1967	-----	90, 181
1968	-----	150, 547
1969	-----	135, 411
1970	-----	203, 851
1971	-----	83, 526
1972	-----	58, 571
Total	-----	722, 087
724.9925—Microwave communications systems and equipment:		
1967	-----	--
1968	-----	--
1969	-----	--
1970	-----	--
1971	-----	--
1972	-----	12, 218
Total	-----	12, 218
724.9930—Mobile communication equipment, n.e.c.:		
1967	-----	221, 562
1968	-----	401, 004
1969	-----	157, 031
1970	-----	82, 416
1971	-----	221, 884
1972	-----	121, 813
Total	-----	1, 205, 710

*Exports to South Africa of communications equipment (1967-72)—Continued***724.9935—Communication equipment, n.e.c. and parts :**

1967	833, 172
1968	806, 441
1969	1, 271, 816
1970	2, 324, 757
1971	1, 723, 231
1972	2, 597, 455

Total	9, 556, 872
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724.9970—Electronic navigational aids :

1967	499, 818
1968	777, 909
1969	2, 223, 460
1970	474, 078
1971	1, 218, 382
1972	1, 096, 498

Total	6, 290, 145
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724.9975—Electronic search and detection apparatus, including radar :

1967	110, 302
1968	149, 726
1969	215, 080
1970	336, 736
1971	97, 017
1972	121, 432

Total	1, 030, 293
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724.9980—Electronic telecommunications equipment, n.e.c. :

1967	--
1968	117, 366
1969	107, 944
1970	331, 865
1971	149, 850
1972	174, 027

Total	881, 052
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724.9985—Parts and accessories, n.e.c. for telecommunications equipment :

1967	36, 263
1968	32, 871
1969	60, 315
1970	12, 036
1971	152, 979
1972	169, 460

Total	463, 924
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Overall total	21, 690, 298
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Source: Bureau of Census FT-410 Export Statistics. (The number preceding the commodity description is the Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported From the United States.)

Mr. CULVER. Mr. Meyer, I share the chairman's concern here in this area. What we are really concerned about understandably is the interchangeability of this equipment and the degree to which, of course, it can be utilized in a noncivilian way. Now just by putting a sign on the door or a stamp on the part does not, and I think you would agree, limit the application of a particular item to that "intended use." Do you follow me so far?

Mr. MEYER. I follow you and I agree.

Mr. CULVER. Then you understand our concern?

Mr. MEYER. I do. We do more I think that just hang a sign on the equipment. We have certain undertakings from the recipient and I think they are conscious of the fact that if they violate the clear intent of our authorization and transfer this to military use they can confidently expect to be cut off from the further receipt of such equipment.

Mr. CULVER. If you find them doing it and you don't have the resources to really check on that—

Mr. MEYER. If there is a flagrant violation of our undertaking I have no doubt that this would come to our attention.

Mr. CULVER. I think it would be very constructive for the committee to have included in the information being submitted to it, the timing when all those changes were made on the list, and the extent to which these changes have been made within the last year.

Mr. MEYER. Would it suffice for your purpose if we merely cited the year?

Mr. CULVER. I would like it as precise as possible, the day or the month.

Mr. DIGGS. I am particularly troubled about this policy of selling airborne equipment, airborne communications equipment, because under any standard of military or nonmilitary use communications is the heart of the military. How do you justify that? Airborne communications equipment to the South African military.

Mr. MEYER. The point on page 2 that I made was that we do not authorize exports to South Africa if there is likely to be military use. What we do is to accept the fact that this equipment is an extensive civilian commercial use, and we consider that we discharge our national obligation toward the U.N. resolution by precluding its use for military purpose. We make the distinction where we are satisfied with the bona fides of the transaction and conclude that we can, within the boundaries of the U.N. resolution, authorize it for civilian purposes.

Mr. DIGGS. It is quite obvious that we are talking about items that have a multipurpose. I would like you to provide the committee with an estimate value of these multipurpose items sold over the past 6 years by year of civilian aircraft and airborne communications equipment.

[The information supplied by Commerce follows:]

The information on airborne communications equipment is provided on page 45. Exports of civilian aircraft were as follows:

AIRCRAFT EXPORTS TO SOUTH AFRICA, 1967-1972

Year	Number	Value
1967.....	333	\$23,483,380
1968.....	300	30,398,139
1969.....	284	42,503,604
1970.....	180	25,627,562
1971.....	135	70,357,608
1972.....	144	20,485,712
Total.....	1,376	272,311,005

Source: Bureau of Census FT-410 Export Statistics.

Mr. DIGGS. The gentleman from Pennsylvania.

Mr. BIESTER. Thank you, Mr. Chairman.

I apologize for being late for the morning. I apologize to you, Mr. Meyer for not having been present for your testimony. Maybe you have

already covered what I am about to ask. Maybe some of the questions are questions which are difficult for you to answer.

Do you handle licenses on sales generally of rifles and military jet planes and items of that kind to all countries?

Mr. MEYER. No, sir. This is the State Department's responsibility.

Mr. BIESTER. How do you get into this particular picture?

Mr. MEYER. The fact of the matter is we don't. We decide whether an item is properly under Commerce's jurisdiction. I say "we." If there is doubt about it, we sit down with the Office of Munitions Control and between us decide. Where there is no question that it is properly defined as a military item, then State handles it. What they don't handle Commerce does, unless there is statutory authority for some third or fourth or fifth agency to dispose of it.

Mr. BIESTER. So if someone applies for rifles for South Africa you would not be apprised of that request?

Mr. MEYER. That is correct.

Mr. BIESTER. But where the State Department might have passed on a given item to South Africa, then you might come in the picture to make a further evaluation?

Mr. MEYER. No, sir. We do not.

Mr. DIGGS. Do we ship any rifles to South Africa?

Mr. MEYER. I cannot answer.

Mr. BIESTER. If you were to run down a catalog of various military equipment you would not be able to tell us whether you shipped it or not?

Mr. MEYER. I could not. I earnestly urge you to save those for the State Department.

Mr. BIESTER. Therefore, we are talking about potential military use with you about items as to which you have applied no criteria yourself? Has your Department applied criteria as to potential military use of, let us say, these spraying planes?

Mr. MEYER. Oh, yes.

Mr. BIESTER. You have?

Mr. MEYER. When we got an application we asked ourselves whether they would be used for military purpose. After assessing the facts and undertakings we came to the conclusion after consulting with the other agencies that we could safely license this.

Mr. BIESTER. Among the agencies you consulted with did you consult with the State Department?

Mr. MEYER. Yes.

Mr. BIESTER. The Defense Department?

Mr. MEYER. You asked on a particular transaction?

Mr. BIESTER. Let us take that one.

Mr. BURNS. It depends. It would not be checked with Defense. I might say that we would also obtain the recommendations of the post in this country, and have in every case.

Mr. MEYER. If we talk about something such as a small spraying plane, I think we would conclude that we could make a judgment ourselves as to the impact on our national security, but we certainly would consult with State.

Mr. CULVER. Would the gentleman yield?

Mr. BIESTER. I am delighted to yield, because I want it cleared up.

Mr. CULVER. I can't believe this. Now, if we have an application

pending for herbicides, when you talk about the national security interests of the United States. I just hope we are talking about the same thing. You know, we supported the U.N. resolution in this area for an embargo because we deemed it to be in the national security interest of the United States not to be aiding and abetting the Portuguese and the South African Governments through any way that could be used for military purpose to fight against those elements in their country which are seeking freedom. Is that right?

Now, if you then in that context have an application for herbicides and the question arises as to whether or not in fact, regardless of what the intended use purports to be, there is a possibility that this could be used militarily in these areas in that fight as a useful way to undercut the capability of those groups to wage war against the Portuguese, or against South African authorities, you are sitting here and telling us that you can make that judgment without requiring to discuss it in terms of its conceivable military application with our experts in our Government who know something about it.

Mr. MEYER. My comment was made with respect to a question dealing with a specific transaction. I did not mean to suggest that there is no military input into the question of whether or not a given product should be controlled because it might affect our national security, nor do I think we should lose sight of the fact that national security and foreign policy are not in separate complete cocoons by themselves. They intermix. There is a national security ingredient in foreign policy and vice versa. The fact that we don't consult on a specific transaction—

Mr. CULVER. Mr. Meyer, you do not think that the intent of the embargo is to deny to the Portuguese Government these items of equipment because of the possible threat to be used against us, do you?

Mr. MEYER. No, indeed.

Mr. CULVER. Well, our national security interest then in this connection and our foreign policy position then as a result of that is to take those steps so that we in no way can be criticized for providing instruments of war in the Portuguese territories and in South Africa.

Mr. MEYER. But national security was taken into account when the policy judgment was made to keep licensing controls on aircraft, including spraying aircraft. We had a particular transaction involving, I don't know what, a spraying aircraft. The question of whether or not we should license it, whether we were persuaded that its use indeed would be civilian and not military, led us to believe that the national security concern was accommodated, the foreign policy concern was accommodated. Had there been a question in our minds as to whether there would have been military use of this, I think certainly we would have consulted with the Department of Defense.

Mr. DIGGS. The gentleman from Pennsylvania.

Mr. BRIESTER. With respect to the helicopters with parts that were shipped to Angola, and the helicopters with accessories and parts that were shipped to Mozambique, did you satisfy yourself that under no circumstances would these be used in any of the guerrilla warfare involved in either of those territories, and if so, how did you go about that?

Mr. MEYER. We had an application that set forth facts, certain undertakings. We had a statement from the consignee.

You said, I believe, that we had consulted with the foreign service post in those areas, Mr. Burns. On the strength of all that information,

we came to the conclusion that we could authorize these without any significant risk that they would be diverted to military use.

Mr. BIESTER. What kind of helicopters were they?

Mr. MEYER. I am sorry, I don't have those particulars.

Mr. BIESTER. When it mentions transportation of personnel and supplies, I take it it was a large enough helicopter to carry more than just a pilot and copilot?

Mr. MEYER. Yes.

Mr. BIESTER. Do you know the nature of the guerilla warfare in Angola?

Mr. MEYER. I am generally informed, yes.

Mr. BIESTER. You are kept informed with respect to that situation in Mozambique as well, are you?

Mr. MEYER. Here again, generally yes, and when the question arises with respect to particular applications we draw on State and Defense as necessary.

Mr. BIESTER. That brings me back to where I started, which is, who makes the initial value judgment as to whether it will be necessary or appropriate to have input from Defense or State?

Mr. MEYER. If we do not have established in advance clear and explicit policy guidelines, then we consult with State. In the course of that, we come to a conclusion that we should consult further with DOD, or that it is not necessary.

Mr. BIESTER. Do you know the nature of the South African Armed Forces? How many troops they have and arms? Approximately how many jet fighter planes they have? How many tanks they have, and so forth?

Mr. MEYER. No, sir. If the question arose in that respect, we would go to the Department of Defense for what facts we need. We operate the Department of Commerce export controls, believe me, in daily contact with other agencies around town.

Mr. BIESTER. These license approvals, what fraction of applications do they represent? What percentage do you turn down and what percent do you accept?

Mr. MEYER. Applications for these areas?

Mr. BIESTER. Yes.

Mr. MEYER. I don't have that figure in mind. Do you, Tom?

Mr. BURNS. I don't think we denied any.

Mr. MEYER. We can undertake to supply that for the record. You want a proportion?

Mr. BIESTER. A proportion, yes. Are we approving 90 percent, or are we approving 9 percent?

Mr. MEYER. Yes.

[The information referred to follows:]

Examination of our licensing records reveals that with one exception all applications received in the Department for export licenses for aircraft and helicopters to Angola and Mozambique for the period January 1965 to April 1973 were approved as meeting the licensing policy criteria. One application received in 1966 for a nonmilitary aircraft and spare parts valued \$165,000 was denied.

Mr. BIESTER. It might be useful, at least to this Member, to know what kinds of equipment we are turning them down on. If that could be supplied, I would appreciate it.

Is there any followthrough mechanism that you have to spot check to see what happened to that helicopter?

Mr. MEYER. Yes. We can go out to the Foreign Service post in that

area and say in effect, on such-and-such a date we licensed this for such-and-such a purpose. Would you please take a check and tell us that indeed it is being used for that?

Mr. BIESTER. Have you ever done that?

Mr. MEYER. We do it not infrequently across the board. If you ask me have we ever done it here——

Mr. BIESTER. With respect to every one of these licenses?

Mr. MEYER. We have.

Mr. BIESTER. Can you tell me whether the results certified favorably that it was actually used as it was intended to be used?

Mr. BURNS. Yes. Because it meant a follow-on sale. They were all favorable. Every one was checked.

Mr. BIESTER. Would it be within the bounds of propriety for some percentage of spot checks, and also maybe whether in fact it involved the spraying plane, or the helicopter? It would be very helpful.

Mr. MEYER. We can supply this.

[The information requested follows:]

Regarding percentage of spot checks, an examination of available licensing records for 1972 and up to April 1973 reveals that of six applications received for Angola, two or 33% were checked with the Foreign Service Post before being licensed; of twelve applications received for Mozambique, eight (8) or 66% were checked with the Foreign Service Post. The checks did involve agricultural spraying planes and helicopters. In all cases, the recommendations of the Posts were favorable.

Mr. CULVER. Would the gentleman yield?

Mr. BIESTER. Yes. I am finished, incidentally, on those points.

Mr. CULVER. Mr. Meyer, I gathered from your response to Mr. Biester that there was a far more degree of regularity in your checking as far as the Communist countries are concerned than the Portuguese or South African situation.

Mr. MEYER. I did not mean to convey that. It is just that we have more transactions involving those countries, and numerically there are more such cases.

Mr. CULVER. How frequently do you check in the case of South Africa and Portugal on your transactions there?

Mr. MEYER. I don't have a figure in mind. We don't have a set formula. We don't try to say that we are going to hit a goal of five a month. If the occasion requires, we check. If we checked last week, and the occasion requires that we check next week, we make a check.

Mr. DRIGGS. Once a week, it sounds like.

Mr. MEYER. No, indeed. I simply cited the fact that we have no set formula for checking.

Mr. CULVER. When you talk about on page 2 that Commerce maintains close surveillance over these exports, what are we trying to get at in this surveillance? Could you submit for the record what your procedures are and how frequently you make those checks. How many violations have you detected in the case of Portugal and South Africa?

Mr. MEYER. One of the points I tried to make on page 2, I guess it did not come through very clearly, was that we require that all exports of these cited commodities be made only if licenses have been issued. In that fashion, we maintain surveillance over exports.

In other words, they have to come in to us so that we know, unless there is an illegality perpetrated, what is proposed for export.

[The following was subsequently submitted by the Department of Commerce for inclusion in the record at this point:]

Our procedures concerning export licensing to Portugal and the African Territories are as follows:

All exports of civil and demilitarized aircraft, landing mats, bullet-proof tires, and vehicles built to current military specifications are subject to validated license control to all destinations except Canada. All license applications that are received in the Office of Export Control for these commodities for export to the named destinations are examined to determine whether they are proposed for civilian or military use, the bonafides of the commercial end user and proposed end use verified via the U.S. Foreign Service, in those instances where we have had no previous experience or knowledge of the consignee, and referred to the Department of State for advice, comments and its recommendation regarding the licensing action to be taken.

Our records show that for the period January 1972 to April 1973 Commerce received 94 export license applications for aircraft to these areas. There were no license applications received for military vehicles, landing mats or tire casings. Department of State advice was sought on each application. Ten applications were referred to our Foreign Service Posts in Angola and Mozambique for verification of the bona fides of the consignee and the proposed end use to assure against possible military end use. In each instance civil end use was assured and export licenses issued on this basis. We are not aware of any aircraft exported under this program of having been diverted to military supporting use. Our Compliance Division advises us that there have been no violations discovered in connection with exports to Angola, Mozambique, and Portugal, of the commodities subjected by Commerce to special controls in support of the arms embargo policies applicable to these destinations.

Mr. CULVER. When you go out in the field and you check, how many violations have you experienced in the history of this program in the case of South Africa and Portugal?

Mr. MEYER. I said earlier, to the best of my knowledge we have had no violations.

Mr. CULVER. No violations?

Mr. MEYER. I am speaking in recent years. I will be glad to go back and check this.⁷

Mr. CULVER. But no violations in recent years?

Thank you, Mr. Chairman.

Mr. DIGGS. Mr. Meyer, you have given on the back chart some limited information on sales to Portugal for its territory in Africa for the past year. The committee would like to have the record of all sales for the past 10 years.

[The information requested follows:]

EXPORTS OF AIRCRAFT AND HELICOPTERS TO ANGOLA AND MOZAMBIQUE, 1963-1972

Year	Number	Value
Angola:		
1963.....	3	\$48,000
1964.....	12	331,661
1965.....	5	209,940
1966.....	7	248,196
1967.....	16	360,647
1968.....	11	303,556
1969.....	5	211,056
1970.....	12	477,797
1971.....	23	513,908
1972.....		
Mozambique:		
1963.....	1	22,700
1964.....	1	23,177
1965.....		
1966.....		
1967.....		
1968.....	1	105,122
1969.....	2	7,576,956
1970.....	21	808,030
1971.....	1	5,143,175
1972.....	13	881,678

Source: Bureau of Census FT-410 Export Statistics.

⁷ Subsequently verified.

Mr. DIGGS. Do you have with you a list of validated licenses for any given period?

Mr. MEYER. No, sir, I do not. Just what you see here in the table. Your request was for recent authorizations.

Mr. DIGGS. The last 18 months a list of all validated licenses issued for Portugal?

Mr. MEYER. I don't have this here.

Mr. DIGGS. Do you recall whether or not the Sikorsky 62 or the Hughes 500 helicopters are on that list?

Mr. MEYER. I cannot tell you that.

Mr. DIGGS. Do any of your colleagues know?

Mr. BURNS. It sounds like an Office of Munitions Control problem.

Mr. DIGGS. On page 3, you refer to the U.S. arms embargo policy established for South Africa and Portugal. Precisely what do you understand that policy to be?

Mr. MEYER. I understand that policy to be one of denying to those countries arms and ammunition, and equipment to produce arms and ammunition. To deny to it military equipment which is clearly in that category. To deny for military use certain other equipment which has the capacity of being used by the military and by civilian entities.

Mr. DIGGS. Now, I assume that this policy and/or its implementation was worked out with the State and Defense, is that correct, that you collaborated on this matter?

Mr. MEYER. This is a matter of U.S. Government policy.

Mr. DIGGS. Which was collaborated in by State, Commerce, Defense? That would appear logical.

Mr. MEYER. Yes, and established by the Executive.

Mr. DIGGS. Do you have guidelines to make some kind of determination about these matters?

Mr. MEYER. There are broad guidelines from the standpoint of operating a program such as export controls. The more explicit the guidelines, the easier it is to operate.

Mr. DIGGS. Do you have guidelines, guidelines that you can provide this committee? The guidelines originally issued. You just weren't given some sort of a broad general paper position on this, or some position paper. If it follows normal organizational standards, you have guidelines; and if those guidelines have been modified under the present administration, you have those guidelines as modified. Is that not true?

Mr. MEYER. Yes.

Mr. DIGGS. I would like to ask you for these guidelines. The committee wants to get a copy of the guidelines originally issued, and a copy of any modifications that have been made by the administration. Will you provide those to the committee?

Mr. MEYER. I shall undertake, Mr. Chairman, to go back and convey your request.

[The reply of the Department of Commerce follows:]

I understand that the Department of State has replied to this request.⁸

Mr. DIGGS. Do you anticipate any problem, counsel, with that request?

⁸ The State Department treats as classified the answer to the question: Are there guidelines for our implementation of the arms embargo against South Africa?

Mr. HULL. I can only make the same comment as I made before, Mr. Chairman. I can't predict that there will be a difficulty, but I can conceive that this is a matter which may be privileged.

Mr. DIGGS. But there are guidelines.

Mr. MEYER. There are broad guidelines.

Mr. DIGGS. There are specific guidelines in your files to which you refer in connection with the subject before the committee?

Mr. MEYER. Mr. Chairman, if I misled you I did not mean to. We operate the entire program under a variety of guidelines, some broad, some explicit.

Mr. DIGGS. Let us not play around with words. You have guidelines. You don't run that Department without any guidelines: you know that. You have guidelines on this subject in your files, isn't that true?

Mr. MEYER. That is correct.

Mr. DIGGS. And you have the original guidelines, and you have the amendments to those guidelines. Is that not true?

Mr. MEYER. I think so, yes.

Mr. DIGGS. All right, then.

The gentleman was trying to get an intervention here.

Mr. BIESTER. Yes. I thought I heard the witness say that there had been a change in policy mandated by the Congress? Am I correct in that?

Mr. MEYER. No, sir.

Mr. BIESTER. There was some broad policy change effected by the Congress?

Mr. MEYER. I did allude to our statutory base, the Export Administration Act of 1969 which superseded the Export Control Act of 1949, and that later act, the Export Administration Act, did represent a change in focus, a change in emphasis, but directed primarily, I would say, toward our controls exercised toward the Communist countries. But that act had in it a fairly clearly and emphatically worded policy directive that we shall encourage trade with all countries and we shall control only to the extent of the three basic policy objectives set forth in the act. One of these was indeed foreign policy.

Mr. BIESTER. Therefore, foreign policy was included in the criteria that were applied in generating whatever new guidelines developed as a result of that act?

Mr. MEYER. Yes.

Mr. BIESTER. After that initial establishment of guidelines has there been any change with respect to guidelines affecting these materials or this kind of materials or trade into South Africa or the southern Africa area?

Mr. MEYER. I would want to go back and examine the guidelines. Your question, as I understand it, is, have there been any changes since early January 1970?

Mr. BIESTER. Right, since the change that you felt was mandated by congressional action in the act of 1969. If I could have that I would appreciate it.

Mr. CULVER. Mr. Chairman.

Mr. DIGGS. Mr. Culver.

Mr. CULVER. Mr. Meyer, then to the best of your recollection right now you can't answer that question—whether or not there have been

new directives so far as guidelines are concerned on the administration of this program under your immediate supervision?

Mr. MEYER. Mr. Culver, I don't think there have been, but I would rather be precisely correct in the matter.

When did we change it here besides?

Mr. BURNS. That was late in 1969, I think.

Mr. CULVER. There has been no other general guideline submitted to you in terms of administration of this policy?

Mr. MEYER. We have a general guideline, yes.

Mr. CULVER. Subsequent to 1970?

Mr. MEYER. No, this is what I want to be precisely correct about. I don't think we have a change since January 1970, but I will check to be sure.

Mr. CULVER. Did you ever receive a directive administratively from any quarter suggesting a new policy approach, or emphasis on the administration of this program as it affects the Portuguese and South African situation?

Mr. MEYER. My earlier answer I would have to repeat. I do not believe so, but I want to be precisely correct. I don't want to mislead you.

Mr. DIGGS. You said that the current licensing test depended upon whether items have a direct and clear application in combat or to internal security operations. Would you tell us when this test was adopted?

Mr. MEYER. I will be glad to supply that if I may.

Mr. DIGGS. You don't have the information?

Mr. MEYER. I don't have the precise statement in mind.

Mr. DIGGS. Can you tell us as imprecisely as you can, and then provide the exact details?

Mr. MEYER. I would say we have used this guideline for several years, but that is a little vague.

Mr. DIGGS. What was the previous test?

Mr. MEYER. Here again, Mr. Chairman, I would want to go back and check.

Mr. DIGGS. Can either one of your colleagues answer the question?

Mr. BURNS. No, sir.

[The information requested follows:]

As you know, in September 1970, the U.S. Government announced it would consider licenses for limited numbers of small unarmed executive civilian type aircraft for the South African military on the grounds that these aircraft would not strengthen South Africa's military or internal security capacity. It was determined that aircraft with a clear and direct application to internal security would not be considered under these criteria, and this test has been in existence since that time. As a practical matter, we have not received any applications for export of aircraft of this type to the South African military.

Mr. DIGGS. Do you think that the test is more relaxed? You have been with this agency for 25 years. Would you evaluate the current test as being more relaxed than it was originally conceived?

Mr. MEYER. No, sir; I don't think so.

Mr. DIGGS. That is just a question of your own judgment based upon your own expertise.

Mr. MEYER. I don't believe so, but here again I would like to confirm it.

Mr. DIGGS. You do not believe that the present test permits the ex-

port of military equipment for an end use by the South African military contrary to previous policy?

Mr. MEYER. No, sir.

Mr. DIGGS. Your statement makes clear that the United States does license for export sales to South Africa civil aircraft and military truck spare parts and electronic equipment. What is the value of the electronic equipment sold over, say, the past 4 years?

Mr. MEYER. We would have to get that for you.

[The information requested follows:]

Exports to South Africa of communications equipment (1969-72)

724.9905—Transmitters and radio frequency power amplifiers, except broadcast type :		<i>Value</i>
1969	-----	\$130, 801
1970	-----	-----
1971	-----	-----
1972	-----	232, 101
Total	-----	362, 902
724.9915—Transceivers, single side band high frequency :		
1969	-----	108, 231
1970	-----	259, 563
1971	-----	13, 405
1972	-----	14, 625
Total	-----	395, 824
724.9915—Radio communications systems, except mobile and microwave :		
1969	-----	135, 411
1970	-----	203, 851
1971	-----	83, 526
1972	-----	58, 571
Total	-----	481, 359
724.9925—Microwave communications systems and equipment :		
1969	-----	-----
1970	-----	-----
1971	-----	-----
1972	-----	12, 218
Total	-----	12, 218
724.9930—Mobile communication equipment, n.e.c. : ¹		
1969	-----	157, 031
1970	-----	82, 416
1971	-----	221, 884
1972	-----	121, 812
Total	-----	583, 144
724.9935—Communication equipment, n.e.c., and parts :		
1969	-----	1, 271, 816
1970	-----	2, 324, 757
1971	-----	1, 723, 231
1972	-----	2, 597, 455
Total	-----	7, 917, 259

¹ Not elsewhere classified.

Exports to South Africa of communications equipment (1969-72)—Continued

724.9970—Electronic navigational aids :	
1969 -----	\$2, 223, 460
1970 -----	474, 078
1971 -----	1, 218, 382
1972 -----	1, 096, 498
Total -----	5, 012, 418
724.9975—Electronic search and detection apparatus, including radar :	
1969 -----	215, 080
1970 -----	336, 736
1971 -----	97, 017
1972 -----	121, 432
Total -----	770, 265
724.9980—Electronic telecommunications equipment, n.e.c. :	
1969 -----	107, 944
1970 -----	331, 865
1971 -----	149, 850
1972 -----	174, 027
Total -----	763, 686
724.9985—Parts and accessories n.e.c., for telecommunications equipment :	
1969 -----	60, 315
1970 -----	12, 036
1971 -----	152, 979
1972 -----	169, 460
Total -----	394, 790
Overall total -----	16, 693, 865

Source: Bureau of Census FT-410 Export Statistics. (The number preceding the commodity description is the Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported From the United States.)

Mr. DIGGS. Your policy permits the sale of items to South African or Portuguese military if they have an indirect application in combat, is that correct?

Mr. MEYER. I think there again we would try to make distinctions between the clear direct, obviously combat type equipment, and the dual use type of equipment, and try to make some judgment as to whether the probable use is going to be civilian or whether it is going to be military, and license accordingly.

Mr. DIGGS. When did it become Commerce policy to consider the transport of troops as a civilian use? I am talking about the sale of the 707 troop transport plane.

You stated that Commerce policy as approving export licenses for aircraft for civil end use, and under that policy you authorized the sale of 707 troop transport planes. The question is, when did it become the policy of the Department to consider the transport of troops as a civil end use?

Mr. MEYER. You are talking about Portugal, are you?

Mr. DIGGS. That is correct.

Mr. MEYER. We license transport planes to the Portuguese commercial air agency.

Mr. DIGGS. When did it become policy to consider the transport of troops as a civil end use? That is the question.

Mr. MEYER. I don't think that is our policy.

Mr. DIGGS. What did Portugal use the planes for? You authorized the sale of 707 troop transport planes.

Mr. BURNS. I don't think that was the end use. The end use was Department of Civil Aviation. They operate a civil airline.

Mr. DIGGS. Yes, but they have a military government over there. I assume you knew that.

Mr. CULVER. Are you saying they used this troop transport plane for civil aviation purposes?

Mr. MEYER. I am not aware of troop transport planes.

Mr. CULVER. What is the 707 that the chairman is speaking of?

Mr. MEYER. I think they are flying around the world, but I am aware that they are troop transport planes. They are used in civil aviation.

Mr. DIGGS. They use it to transport troops. That is what they use it for.

Mr. CULVER. Are you aware of this?

Mr. BURNS. No, I am not aware of it. We license 707's quite frequently for use in civilian aviation for use throughout the world.

Mr. CULVER. Have you had any complaints brought to your attention that they were used to transport troops?

Mr. BURNS. Nothing which has come to our attention.

Mr. DIGGS. You said on page 4 of your statement that U.S. policy permits the licensing of aircraft destined to military consignees for South Africa and Portugal. Would you mind explaining that?

Mr. MEYER. We say on page 4 that our policy is to approve licenses for aircraft for civil end use in either country. Our policy is to deny exports of most U.S. civil aircraft destined to military consignees in both areas.

Mr. DIGGS. What is the value of the aircraft sold to South Africa in the past 4 years compared to the previous 4 years, and to Portugal?

Mr. MEYER. We will supply that figure, if we may.

[The information requested follows:]

AIRCRAFT EXPORTS (1965-72)

Year	Number	Value
South Africa:		
1965.....	235	\$34,542,530
1966.....	208	4,519,595
1967.....	333	23,438,380
1968.....	200	30,398,139
Total.....	1,076	92,904,644
1969.....	284	42,503,604
1970.....	180	25,627,562
1971.....	135	70,357,608
1972.....	144	80,485,712
Total.....	743	218,974,486
Portugal:		
1965.....	5	7,021,428
1966.....	1	14,667
1967.....	7	14,132,912
1968.....	14	25,370,505
Total.....	27	46,539,512
1969.....	9	7,753,035
1970.....	10	16,458,548
1971.....	9	10,487,256
1972.....	10	57,936,468
Total.....	38	92,635,307

Source: Bureau of Census FT-410 export statistics.

Mr. DIGGS. Are you aware that South Africa has contingency legislation to enable the Government to commandeer all civil aircraft in the event of an emergency, and that it has special facilities for converting civil aircraft to various military uses aimed at internal repression? Are you aware of that?

Mr. MEYER. I was not specifically aware.

Mr. DIGGS. That gets to the whole question of the multipurpose use of this item.

Regarding aircraft and other items, you say on pages 2 and 3 that exports of these items are generally approved when civil end use is clearly indicated. What does "indicated" mean? Do you require a written assurance? Is there a subsequent check? Suppose you did find that there was actual military use, such as crop spraying in liberated areas, something like that, what would you do about it?

Mr. MEYER. When we say "indicated," we mean that the evidence we have accumulated with respect to a given transaction, that is, acquired from the application, from a statement made by the consignee and from checking with the foreign service post in the area, and as pointed out in the attachment, when the evidence we acquire in that fashion leads us to the reasonable conclusion that end use is going to be civil that is what we mean by "indicated." I think you had another question at the conclusion. I forget what it was.

Mr. DIGGS. What happens if you actually find that it has been used for, say, crop spraying in the liberated areas, actual military use?

Mr. MEYER. I think if we found that aircraft were improperly used, in the sense used for military purposes, when we had clearly indicated our intent was that they should only be used for civilian purposes, we could not force the cessation of that particular operation, but I think in all likelihood we would terminate the authorization of supplies of spare parts.

Mr. DIGGS. You state that you have in the past denied the use of U.S. components in third country aircraft.

Mr. MEYER. Yes.

Mr. DIGGS. For sale to South African military. Have you ever permitted it?

Mr. MEYER. Not to my knowledge.⁹

Mr. DIGGS. You state that you have no recent experience in these cases. What is the current policy on third party components, that is for componentry in third country aircraft to South Africa.

Mr. MEYER. As I stated here, we do feel we do exercise jurisdiction over such things. We would treat such transactions when the application is made for us for permission to use parts in this fashion. We would treat that request in the same fashion as we would treat a request to export the military planes from the United States.

Mr. DIGGS. What about the case of the Atlantique, and what about the Orion, the American plane?

Mr. MEYER. I hate to bounce so many of these questions back to the State Department, but this is their province.

Mr. DIGGS. The gentleman from Iowa has come in. Does the gentleman have any questions?

Mr. GROSS. Thank you, Mr. Chairman.

I came in late, so I have no questions. Thank you for inviting me.

⁹ Subsequently verified.

Mr. DIGGS. I will yield to the other gentleman from Iowa then.

Mr. CULVER. Thank you, Mr. Chairman.

Mr. MEYER, am I correct in understanding that in your entire experience in administering this program you are not aware of any violation in the use of any of the various items that you have discussed today?

Mr. MEYER. I said to the best of my recollection there have been no violations. I based that also on a check I made with the Director of the Compliance Division, who has the investigative staff, whether or not there have been any violations by these countries under this program, and he told me no.

Mr. CULVER. You never had one single experience where a dummy corporation was set up which was later revealed to have been controlled by either the Portuguese officials in their government which after all is a military dictatorship, or the South African Government? That you have not detected a sham transaction in terms of obtaining needed instruments of war to conduct their activities in these areas? Not one single example of that?

Mr. MEYER. I can really say no more than what I have just said, but I will be happy to go back and undertake a check again of the record and provide what I come up with.¹⁰

Mr. CULVER. When you take items off the list what stimulates such an action by you? Is the normal situation a complaint by the private sector that they are unable to trade in this area and they have a buyer?

Mr. MEYER. This is one of the things that triggers this action. The fact that we have something on the control list, of course, does not necessarily mean that a person is not able to get a license and make an export. We haven't had, to my knowledge, merchants come in and say they would like to have something removed from the list because they would like to sell the commodities to South African military. We are operating now under a broad injunction from the Congress to eliminate the controls that are not really essential to carry out the policy objectives of the act. We do have some controls that fall into this category, they are not essential.

Mr. CULVER. Have you ever removed an item from a validated license control list at the request of the Secretary of Commerce?

Mr. MEYER. We are under a general policy injunction from the Secretary to review our controls and to remove those that we cannot justify as being necessary to achieve the policy directives of the act.

Mr. CULVER. Have you ever removed a specific item from the list as a result of the direct request of the Secretary of Commerce?

Mr. MEYER. No, sir. I cannot recall any such circumstances in 25 years.

Mr. DIGGS. You state that in 1970, two herbicides, 2,4-D and 2,4,5-T were placed under validated licensing control. Under what controls were these prior to that time?

Mr. MEYER. These two herbicides that I cite on page 6 were under the control prior to that time of the Office of Munitions Control at State.

Mr. DIGGS. Why was the change made?

Mr. MEYER. The change was made because they were determined to be more agriculturally oriented, they were not the defoliants that

¹⁰ Further checks at the Department of Commerce elicited no new information.

were particularly favored, particularly effective for military defoliations.

Mr. DIGGS. We do sell herbicides to Portugal, do we not?

Mr. MEYER. There are herbicides which are under general license which is to say they may go without a license. I don't have any export figure in mind. They are certainly available for sale.

Mr. DIGGS. We do in fact sell them?

Mr. MEYER. I suspect the export statistics would show some sales, yes.

Mr. DIGGS. When did we start approving export licenses for the sale of 2,4-D and 2,4,5-T to Portugal?

Mr. MEYER. I don't know that we have actually issued any licenses. We have had no applications for licenses.

Mr. DIGGS. Can you give us the value of herbicides sold in the last 4 years?

Mr. MEYER. Yes. I think we can. I don't think we can break them out.

Mr. DIGGS. In comparison with earlier years.

Mr. MEYER. Yes. Will export statistics suffice to answer your question?

Mr. DIGGS. Right.

[The information requested follows:]

EXPORTS OF HERBICIDES TO ANGOLA, MOZAMBIQUE, PORTUGAL, AND SOUTH AFRICA (1969-72)

	1972	1971	1970	1969	Total
Angola.....	\$39,379		\$42,676	\$2,210	\$84,265
Mozambique.....	413,175	\$87,535	28,205		528,915
Portugal.....	150,640	114,660	343,980	57,330	666,610
South Africa.....	1,265,289	3,623,896	2,735,596	2,000,516	9,625,297
Total.....					10,965,087

Source: Bureau of Census FT-410 Export Statistics.

Mr. DIGGS. What herbicidal equipment, training, advice, or other assistance on the use of herbicides have been supplied to purchasers in Portugal and its colonies by the United States, by U.S. suppliers?

Mr. MEYER. I don't have the answer to that. At the moment I am not sure how we would get it. It would necessitate, I should think, a fairly extensive survey of private firms to ask the question.

Mr. DIGGS. Our mission in Lisbon, could they not find that out, or our commercial officers over there?

Mr. MEYER. We can inquire of them.

[The reply of the Department of Commerce follows:]

We have consulted with the Department of State regarding the feasibility of having our Mission in Lisbon attempt to find out what herbicidal equipment, training, advice, or other assistance on the use of herbicides have been supplied to purchasers in Portugal and its colonies by U.S. suppliers. State advises that the Mission would find this an impossible task to pursue with hopes of any degree of success.

Mr. DIGGS. You said on page 7 of your statement that you approve exports of herbicides. "Only after we are assured that the quantities requested and the proposed end use and end user do not raise questions concerning their use as a defoliant for military purpose." How can you maintain this at a time when U.S. exports of herbicides to Portugal and the colonies are rising very rapidly, at the same time as the use of defoliants for military purpose there is also increasing?

Mr. MEYER. It would be a case of examining the particular transaction in question and coming to some judgment as to the bona fides of the undertakings, the assurances we have respecting the use.

Mr. DIGGS. You have a list of the validated licenses for this, do you not, for the exports of herbicides?

Mr. MEYER. We just indicated that we have not issued any licenses for the two I specified.

Mr. DIGGS. All validated licenses for exports of herbicides.

Mr. MEYER. Well, the bulk of the herbicides are not under validated license control.

Mr. DIGGS. You have a list of validated licenses?

Mr. MEYER. I suspect this would show zero.

Mr. DIGGS. We would like to have such information as you have on that question.¹¹

Do you have any defoliant exported to Communist countries?

Mr. MEYER. Here again I have to check. I would rather speculate that the agricultural defoliants the agricultural herbicides are under general license to that area, too.

Mr. DIGGS. We have a letter from the Department of State, dated February 8 which says that these two are not subject to validated licensing controls to "free world destinations."

Mr. MEYER. The two I cite here?

Mr. DIGGS. That is right.

Mr. BURNS. Are or are not?

Mr. DIGGS. Are not subject.

Mr. BURNS. Is that from the Office of Munitions Control?

Mr. DIGGS. From the State Department.

Mr. BURNS. Are they talking about the commerce?

Mr. DIGGS. I don't have a copy up here.

Mr. MEYER. They were transferred from the Department of State to us. We do have them under full country control.

Mr. DIGGS. So the 2.4-D and 2.4.5-T are exported to Communist countries?

Mr. MEYER. They require licensing. I am not in a position now to say that we have issued licenses or not to Communist countries. I don't know. I would have to check the record.

Mr. DIGGS. You will provide that for us?

Mr. MEYER. Yes.

[The following information was subsequently submitted by the Department of Commerce for inclusion at this point:]

With regard to the herbicides 2.4-d and 2.4.5-T. I am now in a position to state that there have been no export license issued for export of these herbicides to Communist countries.

Mr. DIGGS. You stated on page 6 that 2.4-D and 2.4.5-T are predominantly of agricultural use. We are curious as to the restrictions on the use of 2.4.5-T imposed by the Environmental Protection Agency for agriculture and domestic uses in the United States. Apparently you ignore these restrictions.

Mr. MEYER. You have me somewhat out of my element. We don't, of course, have any controls over how these are used in this country.

¹¹ See p. 61.

They are established herbicide defoliants. If somebody wants to export them they have to get a license from us for use abroad.

Mr. DIGGS. You are not aware that there are restrictions imposed by the Environmental Protection Agency for agricultural and domestic use on these two items here in the United States?

Mr. MEYER. I was not specifically aware of it.

Mr. DIGGS. Are you aware that these two chemicals were discontinued in Vietnam because of what the Panel on Herbicides of the President, that is the President's Advisory Committee, called "a possibly unique hazard to humans in the case of large-scale applications"? Were you aware of that?

Mr. MEYER. I don't think so. It was in my awareness at one time. It is not now.

Mr. DIGGS. The revelation of these two evaluations is made by some of your sister agencies. This doesn't have any impact on you at all with respect to these matters?

Mr. MEYER. Sir, we haven't issued any licenses for these, and if indeed we had applications for licenses, I am not at all sure that we would have statutory authority to deny an export for the reasons you have cited.

Mr. DIGGS. Let us talk about films for a moment. Have there ever been any limitations on the distribution to South Africa or Portugal of unclassified films?

Mr. MEYER. "Ever" is a long time. My recollection now is that we have not had restrictions.

Mr. DIGGS. Since when?

Mr. MEYER. I can't recall a time when we did.

Mr. BURNS. I have no recollection how far back that might be.

[Mr. Meyer's response follows:]

I am now in a position to confirm that there has never been restrictions on the export to South Africa or Portugal of unclassified films.

Mr. DIGGS. You have furnished a list naming all commodities which can be exported to South Africa or Portugal under a general license. Would you show which of these items have been removed from the validated licensing list in the past 6 years?

Mr. MEYER. All the ones we have identified with the red underlining have been removed in the past 6 years.

Mr. DIGGS. Does that constitute the whole list of all that have been removed in the last 6 years?

Mr. MEYER. Some of these may have been removed prior to 6 years ago. So, we will have to go back if you would like to pin it down in terms of the last 6 years' action.

Mr. DIGGS. We would like not only a current table of exports of aircraft, but one for the entire period of the embargo.¹²

Now, on page 9 we gather that the U.S. permits the sale to South Africa of the following items: kits for transforming civilian aircraft to special uses, radar, spare parts for all kinds of equipment. Is that a fair evaluation?

Mr. MEYER. I did attempt to answer your question here in terms of the general policy that we applied.

¹² See table on p. 58.

Mr. DIGGS. I said apparently we do permit these three items, kits for transforming civilian aircraft to special uses, radar, and spare parts for all kinds of equipment.

Mr. MEYER. Here again, I cited earlier some of this as falling in the category of goods that we would not license to a country or not license to military consignees. Communications equipment we would be prepared to license for civilian uses.

Mr. DIGGS. Of course, several of us were not satisfied with your answer about information on pending applications and your statement that under the law they must be withheld from the Congress. Does Commerce disclose such information to the State Department?

Mr. MEYER. Yes; we have to discuss and exchange it.

Mr. DIGGS. Do you have to disclose it to the Defense Department?

Mr. MEYER. Yes.

Mr. DIGGS. Then why is it classified information to concerned committees of the Congress?

Mr. MEYER. We have to discuss it with the other agencies from the standpoint of consulting them—

Mr. DIGGS. It is presumed that you don't have to discuss it with concerned committees of the Congress?

Mr. MEYER. Mr. Chairman, the Secretary of Commerce has in the past supplied information of this sort when he has been asked by the full committee chairman and has been told that the information is necessary to the work of the committee, and when there is an undertaking to treat the information confidentially as we indeed treat it under the terms of the act.

Mr. DIGGS. Do we have a list of the licenses issued and denied over the entire period of the embargo?

Mr. MEYER. Yes.

Mr. DIGGS. And their value, and their country of destination?

Mr. MEYER. Yes.¹³

Mr. DIGGS. What is the policy with respect to transfer of military patents and other kinds of military know-how to South Africa and Portugal?

Mr. MEYER. Most technology, if it is not classified, is free to move from the United States to free world countries under our general license. There are specific exceptions to this. Technology relating to aircraft, for example, is an exception. Patent information by and large is in the public realm and consequently we make no attempt to impede its transmission. It really is not susceptible to effective control. If there is technology which is of really great significance to the Department of Defense, involves weaponry, for example, it would be in the first instance under Department of State control and quite possibly would be classified. All classified information is under State Department control.

Mr. DIGGS. The committee has received some information that Aer-macchi jets that are made in Italy under license from the United

¹³ COMMITTEE STAFF NOTE: The 396-page Department of Commerce response to the request of the Chairman of the Subcommittee for "a list of the licenses issued and denied over the entire period of the embargo * * * and their value, and their country of destination" cannot be duplicated in the hearing because of the prohibitive cost of printing such a voluminous report. As a substitute (1) a few pages are reproduced for illustrative purpose from the original printout which is in the files of the Committee (see p. 328), and (2) the substantially abbreviated version of the information contained in the printout which has been furnished by the Department of Commerce is printed in full beginning on page 311 of the appendix. The list of rejections appears on p. 309 of the appendix.

States have been sold to the Southern Rhodesian Air Force. Do you know anything about that?

Mr. MEYER. No, sir.

Mr. DIGGS. This is the first time you have ever heard this?

Mr. MEYER. Yes.

Mr. DIGGS. If this information could be confirmed could you tell us what would be your next step on that?

Mr. MEYER. Here again it is a question of what type of aircraft. It might very well be military-type aircraft subject to State Department control, in which case they would have the responsibility of pursuing the matter.

Mr. DIGGS. Do either one of you other two gentlemen wish to comment?

Mr. BURNS. I am not clear whether or not this is a totally made Italian plane, or whether it incorporates U.S. componentry. These are questions we would like to look into. If it is not, then it would not be a matter for this Government.

Mr. DIGGS. I understand.

We will provide more specific information about that.

Mr. BIESTER. Will the chairman yield at that point?

Mr. DIGGS. I will yield to the gentleman from Pennsylvania.

Mr. BIESTER. You mean if the company were an American-owned company but did not involve American components, and it was engaged in sales, certainly we would have an interest there, would we not? You would have an interest?

Mr. BURNS. No, we would not. Our controls extend to items of U.S. origin, and items made from U.S. technology.

Mr. MEYER. I think, Congressman, if there are controls in that situation they would rest with the Department of the Treasury.

Mr. BIESTER. It seems to me there are controls, are there not, with respect to what American companies can do so far as military equipment or potential military equipment with respect to Communist countries, and three in particular.

Mr. MEYER. The Department of the Treasury does have extensive controls which are aimed primarily at corporate relationships. Basically, our controls are aimed at products, or things, regardless of who handles them.

Mr. BIESTER. The American component is not the only magic ingredient?

Mr. MEYER. No.

Mr. DIGGS. Would we be correct in assuming that arms and equipment salesmen, and other interested business representatives of the industry, engage in lobbying efforts with your agency in an effort to weaken the arms embargo? This would be normal, would it not? You receive communications from people who are identified with the industry, contacts along these lines, just as you receive contacts from people who want you to strengthen the arms embargo?

Mr. MEYER. We receive inquiries from American firms who have had in turn inquiries from these countries as to the availability of their products. They will inquire of us as to the prospects of getting a license. If they pursue the matter to the extent of filing an application, this is their way of formally asking for a decision.

Now I would not characterize this as lobbying, but clearly they are interested in knowing whether we are prepared, representing the U.S. Government, to authorize a given transaction.

Mr. DIGGS. So, you receive communications from these people seeking information?

Mr. MEYER. Yes.

Mr. DIGGS. This is normal. I just wanted to get that for the record. Does counsel have any further questions?

Mrs. BUTCHER. I think it would be helpful, Mr. Meyer, if we could have for the record a statement of limitations on U.S. subsidiaries as these differ from limitations with respect to Southern African and Communist countries, because the African regulations are different. If we had those regulations with an explanation, I think it would clarify the question.

To get back to herbicides.

Mr. DIGGS. Might we have that?

Mr. MEYER. Yes, but here again this may be properly Department of the Treasury. But let us pursue it: if indeed it is, we will let you know and you may wish to lodge your request with the Treasury Department.

[Mr. Meyer's reply follows:]

The Treasury Department has assured me that matters pertaining to limitations on U.S. subsidiaries should be raised with that Department.

Mrs. BUTCHER. To get back to the herbicides. We have only spoken of the 2,4-D and 2,4,5-T. What about Picloram and Cacodylic? Are they under general license, or validated license control? These were two herbicides that were specifically referred to by the chairman of the MPLA as being used in Angola and Mozambique.

Mr. MEYER. I am not sufficiently conversant with herbicides or chemicals to recognize these.

Mr. BURNS. You want to give me that?

Mrs. BUTCHER. P-i-c-l-o-r-a-m. and C-a-c-o-d-y-l-i-c. There was a special request that all member states refrain from the sale of this.

[The reply of the Department of Commerce follows:]

Until recently the herbicides Picloram and Cacodylic were under general license to non-Communist destinations. As of May 17, 1973, both of these herbicides were placed under validated license control to all destinations except Canada.

Mr. DIGGS. Mr. Meyer, you said "I know of no instance where what we have licensed for peaceful end uses has been used for another." That gets back to the troop transport question and it raises a further question. Does this mean that when we licensed the sale of these to the Director of General Aviation that we knew they were going to be used in fact for troop transport purposes?

Mr. MEYER. I would have to answer that by saying that to the best of my knowledge when we license these things we license them to the civil aircraft agency of the Government. I don't know now that they are used for troop carrying purposes. I don't think I knew then or had any reason to believe at the time we licensed them that they were going to be used for this purpose.

Mrs. BUTCHER. This has been a very serious question about the United States conforming to its obligations.

I think it would be helpful, Mr. Chairman, if we could have a statement on that.

Mr. MEYER. Yes. I would like to go back because I am relying on memory here, and I don't want to leave it solely on that basis.

Mr. DIGGS. The record will remain open at this point for that information.

[The information requested follows:]

According to the records of the Office of Export Control, an export license application for three civilian type aircraft valued at \$36,756,667 was filed on July 24, 1970. The application showed that the aircraft were to be consigned to a civil entity of the Portuguese government. This application was referred to the Department of State, under consultation procedures established to obtain its advice, guidance and recommendation. On July 27, 1970, an export license was issued, after obtaining a Department of State recommendation for approval. As is normal with regard to the licensing of aircraft for export there were no restrictions or *caveats* attached to the issuance of the license concerning possible sale of the aircraft within Portugal or use under lease or charter arrangement. There were, however, restrictions concerning resale to another country without United States Government authority. It should be noted that these were civilian unadapted aircraft that could not have any combat or logistical role within a combat zone and, therefore, warranted approval under U.S. policy.

Mrs. BUTCHER. We were talking a minute ago about pending applications. To go back to the information that Congressman Culver and Congressman Bingham were interested in, with respect to applications that had been granted or denied, and to the whole question of the Freedom of Information Act, this does not apply to your submission to Congress of this material in a classified manner, does it?

Mr. HULL. May I answer this? The confidentiality provisions of the Export Administration Act are explicit prohibitions against disclosure of this information. The Freedom of Information Act by its very term excludes any information which is expressly prohibited from disclosure by statute. So that the interplay, or interaction of the Freedom of Information Act and Section 7(c) of the Export Administration Act result in the Freedom of Information Act not being applicable by its own terms.

Mrs. BUTCHER. Let us go back to section 7(c), because if I remember correctly it says that the Executive may determine that it is in the national interest to supply this information. It would appear that it is in the national interest to give this information to concerned committees of Congress with the classified injunction, if you feel that this is necessary.

Mr. HULL. Mr. Meyer pointed out that the Secretary of Commerce has in the past made available information of this nature upon the written request of the full committee chairman, with a pledge that such information would not be disclosed outside the membership of the committee, and would be given confidential treatment. Obviously, there has to be a compromise to try to make information available to the fullest extent possible to the Congress without jeopardizing our commitment under the act.

Mrs. BUTCHER. Thank you.

There have been several questions on the procedures in enforcing the arms embargo. Mr. Chairman, I think it would be very helpful if we could have an explicit statement on the procedures, how the consultations are carried out with the various agencies; whether there are meetings; whether there is appeal; and whether the ACEP, the Advisory Committee on Export Policy, has the final decisional authority.

Mr. DIGGS. The committee makes that request.

Mr. MEYER. We shall supply it.

[The information requested follows:]

In its implementation of the arms embargo policies relating to Portugal and South Africa, the Commerce Department has instituted a surveillance program.

The surveillance program is based principally on (1) the fact that those items under Commerce's jurisdiction agreed for control are maintained under a validated license control and (2) each application for these items to the named destinations are consulted on with the Department of State prior to the issuance of a license. All license applications received in the Office of Export Control for the commodities subject to arms embargo considerations when proposed for export to the named destinations are examined to determine whether they are proposed for civilian end use; the bonafides of the commercial end user and proposed end use verified via the U.S. Foreign Service, in those instances where we have had no previous licensing experience or knowledge of the consignee; and all export license applications are referred to the Department of State for advice, comments and its recommendation regarding the licensing action to be taken.

Staff level consultations between State and Commerce are conducted either telephonically or by memorandum. Meetings are scheduled from time to time if the matter at hand appears to justify a meeting; Commerce attends only in an observer and technical advisory capacity, since the matter at issue is one of obtaining a State Department position to recommend to Commerce. If disagreement exists between Commerce and State regarding State's recommendation in such matters, the issue is taken up formally before the Operating Committee of the Advisory Committee on Export Policy for resolution. If the disagreement remains unresolved at this level, the matter would be carried up to policy levels, including, if necessary, the Secretarial level Export Administration Review Board. Matters that are not resolved at this level may be appealed to the President.

Mrs. BUTCHER. Mr. Chairman, I think it would also be helpful if the applicable U.N. resolutions of August and December 1963¹⁴ on the arms embargo and the General Assembly resolutions¹⁵ on the embargo against Portugal were included at this point.

Mr. DIGGS. Without objection they will be included in the appendix.

Mrs. BUTCHER. There is one thing we should clear up. There was a question as to whether or not certain changes had been made in 1969 after the Export Administration Act of 1969; and I am puzzled because I understood that the Export Administration Act of 1969 incorporated the same foreign policy basis for the arms embargo as the Export Control Act of 1949. Of course, I do know that there was a general injunction in that act to cut down on controls, but insofar as the foreign policy injunction, which is the basis of the arms embargo is concerned, there was no change.

Mr. MEYER. That is correct. I did not mean to convey to the contrary.

Mrs. BUTCHER. That is all.

Mr. DIGGS. Are there any further questions?

Mr. ORDES. Mr. Chairman, I wonder if I might make a few last remarks very briefly.

Mr. DIGGS. You may.

Mr. ORDES. The removal of 2.4-D and 2.4.5-T from the munitions control list and the decision to sell Portugal Boeings for military transport were made subsequent to December 9, 1969, which is when the National Security Council considered National Security Study Memorandum 39, the one that establishes the basic South African policy of this administration. I will certainly read with a great deal of interest the additions for the record. I contemplate invoking 5 U.S.C. 552 with great reluctance. I would prefer, of course, to continue to deal with the administration on this question on the basis of good faith and be able to accept their claims as the whole truth. However, I continue to find out about U.S. dual-purpose sales from the Portuguese press rather than from the public officials of this Government. I am just simply tired of this procedure.

¹⁴ See appendix, pp. 358-60.

¹⁵ See appendix, pp. 264-69.

While I have read stories of herbicides being used to spray the crops in African villages in the Portuguese colonies, I cannot comment on that. I've been in the United States for the past several years. I have not personally witnessed any of these alleged incidents. I have read reports to this effect with great interest, but I can't verify them.

My testimony today was merely to comment on questions of U.S. policy, not on questions of Portuguese Government policy.

Mr. DIGGS. Mr. Meyer, do you have any further comments?

Mr. MEYER. I believe not, sir.

Mr. DIGGS. Thank you very much.

The subcommittee stands adjourned.

(Whereupon at 5:15 p.m., the subcommittee adjourned, to reconvene at 10 a.m., on Thursday, Mar. 22, 1973.)

IMPLEMENTATION OF THE U.S. ARMS EMBARGO (Against Portugal and South Africa, and Related Issues)

THURSDAY, MARCH 22, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, D.C.

The subcommittee met at 2 p.m. in room 2200, Rayburn House Office Building, Hon. Charles C. Diggs, Jr. (chairman of the subcommittee) presiding.

Mr. Diggs. The subcommittee will come to order.

At our hearing on Tuesday we received some very important insights into the way that we consider the present administration has weakened the keystone of southern African policy involving the arms embargoes against South Africa and Portugal. Although the witness from the Department of Commerce did his utmost to conceal from the committee the real facts, it is now obvious that drastic changes have taken place inspired by what appears to be an overall shift toward alinement with forces that are in opposition to the notion of the aspirations of the African majorities and against policies clearly enunciated at the U.N. and other international forums wherein our Government has joined.

Now this is the real result of the so-called communication policy. It is a policy of rescuing faltering totalitarian regimes from an outraged public opinion, propping them up by means of massive shipments of military equipment, civil equipment such as light aircraft and helicopters which are ideal for harassing the civil population in the liberated areas as well as for fighting the guerrillas themselves.

It has become obvious that the major decision to relax the arms embargo came at the end of 1969 and was linked with the National Security Council study memorandum of December 9 of that year regarding general U.S. policy toward southern Africa which launched the so-called communication policy. As an indication of the direction in which the communication has been established, the administration refuses to communicate to the appropriate committees of Congress that which is freely available to the Portuguese and South African regimes.

Communication also extends to the arms and equipment salesmen who are exerting much of the pressure for an alinement with these minority regimes. Two of these companies, Rockwell International and United Aircraft, were invited to testify to the subcommittee on the embargo. United Aircraft refused and Rockwell has not replied to the invitation. These legislative agents clearly prefer secret meet-

ings in various places in the Capital rather than appearances before duly constituted components of the legislative branch of our Government.

It is in light of our new information about a major policy shift in favor of the majority regimes that we have invited a witness from the Department of Defense to testify on the arms embargo and all the military links which have been established with these regimes, each element of cooperation, which, however apparently insignificant in itself, is a link in the chain that may drag the United States into further involvement in this matter in a fashion that we unfortunately experienced in other parts of the world.

So I hope that the Defense Department witness, Mr. Noyes, will be more forthcoming than his colleagues from Commerce so that we can get some information in rather less time than we did on Tuesday. I am obliged to add for the record, however, that the Department only after repeated requests responded to the extent that they have responded regarding the goals of the committee.

I would like to insert in the record at this point the text of my letter to the Department listing the questions for them to address at this hearing.

[The letter follows:]

MARCH 12, 1973.

HON. ELLIOT L. RICHARDSON,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The Subcommittee on Africa is planning a hearing on March 22 on "Implementation of the Arms Embargo against Portugal and South Africa and Related Issues." It would be appreciated if the Department would provide a witness, who, in his prepared statement, would specifically address each of the issues involved in this hearing, the purpose of which is to review U.S. current and prospective policy and practice with respect to:

- (1) Sales to the South African and Portuguese military, including communication transport and radar equipment.
- (2) Sales of aircraft to South Africa and Portugal.
- (3) Third party componentry.
- (4) Herbicides.
- (5) Training of South African and Portuguese military, directly or indirectly, in the U.S. or elsewhere, under private or official auspices, or by correspondence courses.
- (6) Distribution to South African and Portuguese military of Department of Defense films or of other U.S. films made for the use of the military.

It would be appreciated if full data is provided in the statement on each of the points above.

I note that the number of Portuguese military personnel trained under United States Government auspices appears to have risen alarmingly, particularly for Air Force officers. Please provide:

A complete breakdown of numbers of Portuguese and South Africans who have received training here or abroad, by, in cooperation with, or through the facilitation of, the United States Government over each of the last five years;

The name, rank, and serial number of each such individual;

The place of training;

The name and description of the course involved;

The number of individuals who have already completed such training who have served or are now serving in Africa; and

The number of Portuguese military personnel trained by U.S. instructors in West Germany in counterinsurgency techniques.

Do you not agree that, at a minimum, the spirit of the U.S. Arms Embargo policy against Portugal requires that the U.S. relationship and support of Portugal in the NATO context be carefully monitored not only with respect to the sale of arms and any other equipment to the Portuguese Government, but respecting the training of Portuguese military and the deployment of such military?

I should also like to know:

What specific steps the Department is taking or intends to take to investigate the frequent reports of U.S. NATO weapons used by the Portuguese armed forces in Africa?

What is the specific language of the provisions prohibiting such use in relevant bilateral agreements with the Portuguese?

Is the MAAG in Lisbon responsible for checking the in-use of equipment supplied to NATO?

Exactly what methods are used to insure that this equipment is not used in Africa?

What is the policy regarding representations to the Portuguese authorities in cases where this does happen, a policy is worthless unless there is some means for implementing it; and I should like to be informed presently on our policy and procedures on such implementation?

What restrictions are there on buyers or recipients of U.S. arms, aircraft or military equipment against the sale of such arms and armaments to Portugal?

Is it possible for Portugal to purchase or obtain U.S. arms from South Vietnam?

What steps is Defense taking to prevent this?

Is it possible for the Government of Portugal to buy U.S. arms on the Swiss open market?

I should further like to be informed of the details of all field trips made over the last five years by U.S. military personnel to Angola, Mozambique and Guinea-Bissau.

Allegations have been made that U.S. telecommunications installations in Africa, together with U.S. navy ships, are intercepting and collating radio signals from the liberation movement forces in Guinea-Bissau and that after a "fix" has been obtained in their exact location the Portuguese are informed. Is there any transmission to the Government of Portugal of information obtained by the United States, or through U.S. telecommunications installations in Africa, directly or indirectly?

I should like to know whether any U.S. military are assigned to service to, or for, Portugal.

What restrictions are imposed on American military personnel assigned to, or for the use of, Portugal?

Please include a listing of all films made available or obtained from the GSA by Portugal and/or South Africa during the past five years.

Has the Department participated in the decision to declassify any herbicides or defoliants in the past five years?

Which herbicides or defoliants?

Are any of these reported or alleged to be used by the Portuguese in Angola, Mozambique or Guinea-Bissau?

What representations has the U.S. military made to the Portuguese military on the use of herbicides in these area?

In view of the use of herbicides by Portugal, has there been consideration of their being within the spirit, and therefore, within the coverage of the Arms Embargo against Portugal?

The Subcommittee was informed that any export license for civilian aircraft would, as standard procedure, have a restriction on conversion to military use. In South Africa, the flying clubs are very closely involved in contingency defense planes and the Atlas Aircraft installation near Johannesburg is specifically equipped to convert civilian aircraft to military use within a very short period of time.

What are the restrictions applicable to the sale of U.S. civilian aircraft to South African buyers?

What penalties can be invoked in case of infringement, either in South Africa or Namibia?

American Beechcraft Corporation is reportedly interested in selling American aircraft to the South African defense forces for reconnaissance and training. Has there been an application for an export license by American Beechcraft Corporation to sell any American aircraft to any South African buyers? If so, I would appreciate receiving the details of such application. What decision has been made in these cases?

What are the guidelines of our Arms Embargo against Portugal and South Africa with respect to third-party componentry? Specifically, how are these guidelines applied to the French plane, The Atlantique? To comparable British or other planes?

In his testimony before the Subcommittee on November 12, 1971, Mr. Noyes, the Department spokesman, stated that South Africa "has the only harbors in

Africa south of the Sahara which has facilities capable of handling major vessels." It is my information that South Africa has a considerable problem since its harbors are so limited in size that the large modern cargo vessels and tankers cannot enter them. This is one reason why harbor traffic in South African ports has not shown the anticipated sharp increase as a result of the closure of the Suez Canal. As for military vessels, I am informed, that this limitation of size is also true of the naval base at Simonetown. I would appreciate receiving from you details on the merits of South African harbors, both civilian and military, as compared to those along the coast of East and West Africa, Madagascar, Mauritius, Diego Garcia, and others similarly placed.

Does the Air Force still operate tracking station #18 near Pretoria or any other facility in South Africa?

The Rules of the House of Representatives require each witness to file a prepared statement with the subcommittee 48 hours in advance of his appearance. It is not possible for the subcommittee to duplicate the statements of witnesses. A minimum of 15 copies for subcommittee appearances is required; however, if the witness wishes his statement to be distributed to the press, 50 additional copies will be required.

Your cooperation is appreciated.

Sincerely,

CHARLES C. DIGGS, Jr.

Chairman, Subcommittee on Africa.

Mr. Diggs. We have two other witnesses here, Hon. William H. Booth, president of the American Committee on Africa, who will assist the subcommittee in piecing together some of the concrete violations of our announced foreign policy which have occurred in the regrettable instances of military sales to, and support of, minority southern African regimes; and he is accompanied by Mrs. Jennifer Davis, an economist and research director for the committee.

Following Judge Booth's testimony and collateral comments by Mrs. Davis we will go into the testimony from the Department of Defense.

You may proceed.

STATEMENT OF HON. WILLIAM H. BOOTH, JUDGE, CRIMINAL COURT, CITY OF NEW YORK, AND PRESIDENT, AMERICAN COMMITTEE ON AFRICA

William H. Booth was appointed Criminal Court Judge on February 4, 1969, after having served as Chairman of the New York City Commission on Human Rights since February 1, 1966.

Mr. Booth also served the city government as Chairman of the Jamaica and Corona, Queens, branches of the Mayor's Urban Action Task Force.

William H. Booth was born in Jamaica, New York, on August 12, 1922. He attended Public School 116; Shimer Junior High School; and Jamaica High School, all in the Borough of Queens, New York. He graduated with honors from junior high school and was elected to the honor society, Arista, while in high school.

He was graduated from Queens College in 1946, and was on the Dean's List of honor students. He received the LL.B. Degree from New York University Law School in 1949 and the LL.M. in 1954.

A veteran of World War II, Mr. Booth served in the army in the United States and Italy during 1943-1946. He attained the rank of Master Sergeant while in military service.

Admitted to the New York Bar in 1950, Mr. Booth practiced in the New York courts for 16 years. He was admitted to practice in the Supreme Court of the United States in October, 1956.

His organizational activities include:

Member, National Board of Directors, NAACP; member of the Board of Directors of the Proctor Hopson Post of the Veterans of Foreign wars; member of the Queens County Bar Association; President of the Professional Chapter of

the St. George Association; and National Vice-President, St. George Association; vestryman at St. Stephen's Episcopal Church of Jamaica, Queens; member of the Board of the Episcopal Church Foundation and of the Long Island Episcopal Charities Appeal; member of the Brooklyn and Long Island Lawyers Association; member of the Board of the Medgar Evers Foundation; member of the Board of the Church Army, Episcopal Church; member of the Board of the New York City Urban Coalition; advisor of the Jamaica Planning Committee; member of the Jamaica Branch, NAACP; and a Charter member of the Judicial Council of the National Bar Association.

Mr. Booth recently served as one of two official observers for the U.S.A., Episcopal Church, at the trial in Johannesburg, South Africa of Dean G. A. French-Beytagh; in February, 1972, he observed the trial of 12 Namibians in Windhoek, Namibia (formerly South West Africa) at the request of the International Commission of Jurists.

For the past six years, Mr. Booth has conducted a course in Human Relations in the Graduate School of Education of the City University.

He has recently been elected President of the American Committee on Africa; and Advisory Board Member of the Off-Track Betting Corporation.

He has formerly been President of the New York State Conference, NAACP; President of the Jamaica Branch, NAACP; Legal Redress Chairman of the Jamaica Branch, NAACP; President of the Criminal Courts Bar Association of Queens, Inc.; Chairman and Secretary of Local School Board, District 50; member of the Board of Directors of the Queensboro Council for Social Welfare; member of the Board of Directors of Queens General Hospital Group; member of the Queensboro Society for the Prevention of Cruelty to Children.

Also formerly with the New York Neighborhoods Council on Narcotics Addiction (affiliated with the Community Council of Greater New York); area Chairman in Boy Scout fund raising drives; member of the Queens Urban League and as an instructor in Civil Defense and has served as Editor of the Liberty Civil Association Newsletter.

Mr. Booth has served as Vice President of the Progressive Republican Club of the 11th Assembly District (Queens, New York) and was formerly a County Committee member as well as Secretary of the County Committee, 11th Assembly District, Republican Party.

Mr. Booth has received over 90 awards for his public service.

Judge BOOTH. Thank you very much, Mr. Chairman.

Mr. Culver, I was in your State yesterday at the University of Iowa speaking to law students there and to a group of businessmen under the name of Service to Mankind and they asked me to give their regards to you if you were present here at the committee meeting today.

I am president of the American Committee on Africa and I have been in that office for a year. I have been involved with things African for about 2 years only. I say that because so many people who must testify before your committee have a great deal of experience which I do not have. My interest in things African came about because my church, the Episcopal Church, asked me to go to the trial of Dean Gouville A. French-Beytagh in Johannesburg and that started me. Then I went to the trial of persons who were alleged to be strike leaders in Namibia last year in Windhoek and I am totally immersed in things African now.

My whole career in history has been one of being involved in civil rights matters here in this country. I am still not giving that up at all, I am just intensifying my interest in things African as well as civil rights things here in this country.

We are here today, Mrs. Davis and myself, to challenge the myth of concern for the rights of self-determination being built by our Government in relation to its role in southern Africa.

It has long been the theme of the U.S. Government that it is in sympathy with the right of self-determination of the black peoples of all southern Africa, that it abhors apartheid, and that it does not by its

actions strengthen in any way the white minority regimes of southern Africa. In support of that contention administration spokesmen repeat ad nauseam the assurance that the United States adheres firmly to an arms embargo on all arms or equipment of military significance both in relation to South Africa and to Portugal south of the Tropic of Cancer. It is our contention that there is in fact a large gap between stated theory and actual practice in the U.S. role in southern Africa today, and that by its behavior on the ground in Africa the United States actually gives continual and important support to the minority regimes in a variety of ways, amongst the most important of which are the complex network of military and near-military relationships that have been built between the two areas.

The U.S. Government is in fact making available a whole complex of militarily important equipment to the minority regimes, although most of this is never officially admitted to be military equipment. The U.S. administration has not as yet reached the stage where it openly admits to seeing the regimes of the South as its allies, and therefore hides its aid behind a low profile and a smokescreen of verbiage and complicated licensing requirements. The fact remains that allowing the sale of Boeing 747's for troop transport, computers for defense departments, light aircraft for defoliant spraying are actions which indicate quite clearly that our Government is taking the wrong side of the struggle that is now being fought throughout southern Africa.

The significance of this U.S. position can be seen most clearly against the background of the rapidly intensifying struggle for liberation being fought throughout southern Africa. It is important for us to put the U.S. stance into that context because it then becomes clear why the United States is gradually being forced to take a more and more open position in support of its badly troubled friends in southern Africa. The whole white southern bloc has been subjected to increasing pressure from the liberation movements in the past 2 years.

In Guinea-Bissau the PAIGC liberation movement felt itself strong enough by the end of 1972 to actually hold national elections and it has escalated its attacks on the Portuguese-controlled urban centers in the month since the murder of Amílcar Cabral.

In Angola new areas have been liberated, and late in 1972 the two major organizations MPLA and FNLA came together in a united front which will put all military efforts under one joint command and must inevitably strengthen their challenge to the Portuguese.

FRELIMO has continued to heighten its attacks on the Portuguese, particularly in the Tete Province, the site of the giant Cabora Bassa Dam project. The Portuguese are now forced to move all equipment needed for the dam in heavily guarded convoys, the roads are under constant attack, and there has been increasing recourse to the use of helicopters since last year.

FRELIMO opened a new frontier further south than Tete in Manica Sofala toward the end of 1972, and not only the Portuguese but also the Rhodesian regime has been quick to recognize the threat posed by this new expansion of the liberation movement's strength. Rhodesian troops have been killed inside Mozambique lately, and in October 1972 Ian Smith flew to Lisbon to hold talks with Prime Minister Caetano—the first top-level talks between the two countries since UDI in 1965.

The end of 1972 saw another significant development in the reopening of armed guerrilla attacks on various places inside Zimbabwe—Rhodesia—several in the northeast along the Mozambican border and others near the Zambian border in the west. It was these latter incidents which led the Smith government to take reprisals against Zambia, including the closing of the borders.

Most recently has come the announcement of a new united front formed between ZANU and ZAPU, the two Zimbabwean liberation movements. There have been somewhat less dramatic but equally important developments inside South Africa itself—the strike of more than 50,000 workers in Durban and, by the way, the arrest of several hundred of those workers because it is illegal to strike there in South Africa. This is indicative of the rising mood of determination of the African people throughout the south to throw off their oppression and begin rebuilding their lives.

In the face of this the three white regimes—Portuguese, South African, and Rhodesian—have sought to strengthen their own links with one another and to streamline their unity of action. The Rhodesian Army, severely strained by lack of men and money according to the 1971 annual report of the chief of general staff, Lt. Gen. K. R. Coster, is incapable of meeting the joint threat on two borders. The Zambian Government has reported that at the beginning of 1973 4,000 South African troops were thrown into Rhodesia joining the men who were supplied some years ago to patrol the Zambesi border.

Joint high level military meetings have also increased, adding yet more muscle to the already well-established regular joint security meetings which have been reported in the past. Thus, for instance, there have been recent meetings between the South African Minister of Defense, P. W. Botha and his opposite Portuguese number Gen. S. A. Rebelo; between commander in chief of the South African Armed Forces Admiral Biermann and General Deslandes, Portuguese chief of general staff; between Rhodesian and South African authorities of various sorts.

The South African regime, the central dominant partner of the white southern bloc, is certain to increase assistance to both Portugal and Rhodesia as the need arises; not out of benevolence but because it prefers to protect itself outside its own borders. Once the struggle comes home its days are numbered, and there are few amongst today's white South African rulers who do not recognize that fact.

But South Africa is going to be hard pressed to supply all the assistance demanded of it, and it dare not spread itself too thin. Particularly important in this context is the shortage of white labor power, for at this point the South Africans rely almost entirely on the white population for armed troops because it is illegal for black people to be armed and there would be very great risks for it in changing that policy.

Ground forces under arms at any one time comprise a 10,000 man professional force, a current intake of about 22,000 draftees and a 33,000-man police force. That could be reinforced within a few hours by the 15,000 man police reserve, the roughly 60,000 commandos and a citizen reserve force—but if that happens, the whole country would be in a state of total emergency. So the South Africans need to rely heavily on laborsaving defense and warmaking techniques.

By 1972 South Africa had completed an extensive radio communications coastal network which enables it to keep track of aircraft and ships all the way from South America to Antarctica; it has erected a network of frontier control checkpoints, all linked to a central computerized nerve center in the Eastern Transvaal; it had increased border patrols and built many bush landing fields. South African aircraft carry out constant searches along the northern air space; Rhodesian planes make observation flights farther east.

Mr. Chairman and Mr. Culver, war is a reality in southern Africa today and the United States, despite its protestations to the contrary, is increasingly helping to arm one side.

It should not have to be the task of the citizens of the United States of America to act out the melodramatic role of intelligence experts in order to insure that the United States adheres to its stated position of denying military support to the white regimes of southern Africa but that unfortunately is exactly the position into which we are constantly thrust. There appear to be consistent attempts to circumvent the official position: semantic games are played to define things in such a way that they fall outside the boundaries of control: secrecy is another weapon used to shield the flow of aid.

It is difficult then for concerned groups to do more than expose the very tip of an iceberg whose dimensions we can only guess at from our knowledge of a similar series of events in recent years in Southeast Asia. What follows is an attempt to share with this committee a few of the increasing indications we have of extensive U.S. military-type assistance in southern Africa.

I would like to ask now if Mrs. Davis could go into the details of that. Mrs. Davis, by the way, is from South Africa.

STATEMENT OF JENNIFER DAVIS, ECONOMIST AND RESEARCH DIRECTOR, AMERICAN COMMITTEE ON AFRICA

Jennifer Davis was born in South Africa, went to school and University there, and has been involved in various ways in the struggle against the system now practiced there. She worked with various student and other groups opposed to the system of apartheid, and has continued to maintain links with various groups subsequent to her being forced to leave South Africa in 1966.

Mrs. Davis is an economist, and was teaching and doing research at the University of Witwatersrand on the nature of the South African economy when she left South Africa. She has continued to do such research in the United States, and has also published some work on Namibia and on Portugal in Africa, including an analysis of the links between the U.S. and Portugal called "Allies in Empire". She currently works for the American Committee on Africa.

Mrs. DAVIS. Mr. Chairman and Mr. Culver, the last time I testified here attention was focused on the important role of light aircraft in anti-guerrilla-type operations and on the consequent implications of allowing the sale of several thousand of such aircraft to South Africa even for ostensibly private use. These sales continue.

Since 1971 the U.S. Government has also allowed the sale of such aircraft to various purchasers in Mozambique. It has also continued to allow the sale of Boeings of various class, some financed by Export-Import credits, to an agency of the Portuguese Government, the state-owned T.A.P. airline company, despite the announced use of such aircraft for the transport of troops.

In the words of David Newsom in a letter to John Marcum dated October 8, 1971, and I quote Mr. Newsom's words, "Though these air

and freight services can obviously carry military as well as civilian passengers, the sale of passenger transport planes to Portugal has not been deemed to come within the terms of our 1961 arms embargo." This despite the statements from official Portuguese Army sources, such as that quoted both in the South African Star and in the conservative British Daily Telegraph of June 21, 1971, that such planes would be used to ferry troops to Portugal's three war fronts.

Recently a Portuguese newspaper announced that T.A.P. had bought two further 747's for use as troop carriers. In addition to the Boeing sales to the airline in Portugal, the U.S. Government has allowed Boeing sales to DETA, the commercial airline in Mozambique. DETA and the other Mozambiquan commercial airline company have in turn signed a contract with the military to perform services for the army.

I do not have a copy of the contract but I have a copy of a report of the signing of this contract from Mozambique which I have attached as an appendix here which makes it quite clear—it is labeled attachment C—that those Boeings and other aircraft sold to commercial airlines will be used for military purposes. I will just quote a little bit of the report. It says:

We cannot but stress the unusual event. The celebration of the contract by the DETA Mozambique Airlines and Empresa Mocambicana de Aviacao Comercial (EMAC), who will give the Military Region of Mozambique regular air transport on a charter basis.

At the ceremony which took place in the Library of the Regional Military General, there were present the Commander-in-Chief of Armed Forces of Mozambique, Provincial Secretaries of Communications and Public Works, Directors of Railways, DETA and EMAC, many heads of services, Officers General and other high ranking armed forces officials.

The Provincial Secretary of Communications and General Kaulza de Arriaga spoke of the act, emphasizing the great importance of this coordination, expressed in the contract which they had signed.

They refer to "This wonderful example of cooperation between the civil and military elements."

I think that speaks for itself. It is absolutely impossible for the U.S. Government not to be aware of the fact that those Boeings are being used for a military role.

Mr. DIGGS. Without objection, that appendix and other appendices will be included in your testimony.¹

Mrs. DAVIS. Thank you very much, Mr. Chairman.

In October 1972, a brief article appeared in *Marches Tropicaux* which reported the sale of some light aircraft—one equipped for photo reconnaissance and a helicopter to a private airline company based in northern Mozambique. Now that report mentioned no names but we tracked down the fact that those four aircraft were sold by North American Rockwell. The sale of the three Shrike Commanders and one Aero Commander. None of them actually were helicopters.

The first three are the latest model piston-driven aircraft. The Aero Commander is the turboprop version. It is pressurized and can fly normally at 25,000 to 30,000 feet. It can readily be converted to use for aerial camera work and any competent air frame company can make the modifications. North American actually supplies a kit to do it so that the Plexiglas window can be inserted into the skin of the plane at the proper place.

¹ See appendix, p. 244.

Company representatives, when approached, said that the sale had been to Transportas Aeros Comercias, a Mozambican private company. This is a company of which no previous trace can be found, and given the nature of northern Mozambique it is most likely that the company's best customer will be the Portuguese military. Given the contract that we have already mentioned between the Portuguese and DETA, I am sure it is not difficult to imagine a similar contract between this company and the Portuguese military. North American has confirmed that it is hoping to sell more planes but in discussions that I had with the man in charge of the export department he was not prepared to divulge any information as to how many or under what conditions.

Mr. Chairman, as will be seen from the attached newspaper report from the British Sunday Times, South African owned and operated U.S.-built light planes have already been used in herbicide attacks in northern Mozambique.² Now it seems likely that the attacks will be made more directly from planes permanently based in the north. This is a likelihood which makes a mockery of current definitions of military versus nonmilitary equipment.

I would like to very briefly look at the use of chemical defoliants. There have been increasing reports from the liberation movements in all three Portuguese territories of the use of chemical defoliants by the Portuguese. In July 1972, a South African paper, the Sunday Tribune, carried a long report of an interview with six mercenaries from South Africa who had taken part in the chemical warfare raids against Frelimo in northern Mozambique, and who had cut short their contract with the Portuguese Air Force because they decided they were on a suicide mission * * * particularly after one of their aircraft was hit by guerrilla fire.

Of the six aircraft used four were Piper Pawnees and one a Cessna. Thus there were five U.S. aircraft in the raids owned by a civilian South African company—Flink Lugspruit en Boerdery Edms of Bethal. The title suggests that the company works primarily spraying chemical insecticides, et cetera, for farmers. "Boerdery" is farming.

The Tribune reports that the arrangements had been handled by a Mr. E. Jardim, honorary Malawian consul in Mozambique, and his son who had set up the contract with the Portuguese Air Force. The men described their mission in considerable detail and reported that they were met in Lourenco Marques by Jardim; then flew on to Biera, Quelimane; and finally Nacala in the north.

I quote:

At Nacala, a Portuguese military base, the aircraft registrations were removed by air force personnel. They put a washable paint over the registration. When we arrived at Nangololo we made a very steep approach to avoid being shot by terrorists.

Nangololo is a new base in the north which the Portuguese are trying to use as the center in trying to regain control of northern Mozambique which has been largely liberated.

Mr. Hammer, one of the mercenaries, said later in the day they discussed their tactics with two air force colonels and a major. They were shown a large stockpile of water and chemicals stored in drums. They mixed them together, a mixture of 2,4-D and Tordon—Tordon

² The article appears in the appendix at p. 242.

is also known as convolutex—which Mr Hammer said would destroy crops but not harm people. On April 8 they started their first spraying mission.

"The Harvards flew ahead of us strafing the area to deter snipers. The Fiat jets bombed and strafed as well. We flew in formations of three, triangle shaped, and went as low as we could over crops ranging from a quarter hectare to 10 hectares." They returned by a similar route to the one they had used to get to Nangololo and their registration numbers were restored on the way. They described the payment they received for that trip.

Mr. Chairman, I am an economist, not a chemist, so that it is difficult for me to sort out the complexities of the various herbicides being exported by the United States to South Africa, Portugal and Mozambique, the exact chemical nature of each and which of the chemicals ought to be on the munitions list because it has been used in other theaters of war such as Vietnam, and finally which chemicals are actually reported as used by the movements or by the pilots who have sprayed them. Everybody calls these pesticides or insecticides by a different name. It is essential that the administration give far more serious replies to our questions on this than it has done to date.

MPLA has indicated that the Portuguese are using 2,4-dichlorophenoxyacetic acid (LNA) and 2,4,5-trichlorophenoxyacetic acid (LNB) in Angola primarily for the destruction of food crops. Both of these commodities were used in Vietnam by the United States. LNA is specific to grassy plants and LNB is specific to woody plants such as trees and vines. It is possible that both could be used on broad-leaved plants such as casava, which is the primary crop in Mozambique, but that they are actually more powerful than necessary.

These two herbicides were on the U.S. munitions list until 1970. At that time there were three herbicides on the munitions list, the third being butyl 2-chloro-4-fluorophenoxyacetic acid (LNF). The difference between this herbicide and LNA and LNB is the inclusion of the fluorine molecule which increases the toxicity of the herbicide. Herbicides with fluorine are, I am told, more toxic than those with only chlorine, but LNA and LNB, containing only chlorine, are longer lasting than the LNF.

In December 1970, LNA and LNB were taken off the munitions list and put under the jurisdiction of the Commerce Department rather than the State Department where they still require licensing. Only LNF, containing fluorine, remains on the munitions list.

MPLA also lists cacodylic acid and picolinic acid as being used by the Portuguese, which are also exported by the United States, although they require licenses only if they are destined for Eastern European countries. In Commerce Department statistics they are incorporated into the classification "Herbicides NEC—Not Elsewhere Classified."

The main difference in Commerce classifications apparently relate not to toxicity but to the extent of preparations: 512 listings (2,4-D, sodium salt herbicides, mercury herbicides and herbicides not elsewhere classified) are in a concentrated form; 590 listings (herbicidal preparations) are in solution so they are close to being ready for use.

I have appended some figures we have obtained on U.S. exports to Portugal and South Africa. You will note there are very significant exports not only to South Africa and Portugal but also directly to Mozambique.

[The information referred to follows:]

U.S. Exports of various kinds of herbicides to Portugal and South Africa appear to have jumped considerably recently; the export to Mozambique appears to be new.

U.S. EXPORTS OF HERBICIDES TO AFRICAN COUNTRIES AND PORTUGAL

Country	January-June 1972		January-June 1971	
	Quantity	Value	Quantity	Value
Item 5120620: Herbicides 2,4-D and 2,4,5-T, including salts and esters thereof, used as parent acids: South Africa	281, 440	\$68, 599	523, 708	\$277, 098
Item 5120625: Herbicides of pentachlorophenate and of mercury: South Africa	23, 220	4, 644		
Item 5120629: South Africa			45, 055	149, 960
Item 5992080: Herbicidal preparations: South Africa	533, 582	471, 700	385, 020	259, 313
Mozambique	239, 268	234, 696		
Item 5147045: Herbicides and defoliants, inorganic, except formulations, preparations, and chemicals put up for retail sale: Portugal	18, 203	9, 664		

Note: As listed in Bureau of Census public document "U.S. Exports: Schedule B Commodity by Country."

Mrs. DAVIS. I have been dealing with areas in which the military use of the commodity concerned is obvious. There are innumerable areas in which the U.S. supply of equipment might be interpreted more innocently but which might just as well, and probably more accurately, be seen as contributing toward strengthening military capabilities in southern Africa. Let me cite just a few examples.

The role of computers in the technology of modern counter-insurgency needs no stressing. Various U.S. corporations have been heavily involved in supplying computers to the minority white regimes. IBM in particular has supplied at least four computers to the South African Department of Defense and has also supplied equipment to the military in Portugal. Honeywell has reportedly equipped the Portuguese Air Force and the Portuguese General Aeronautical Workshops with computers. ITT operating both in South Africa and in Portuguese controlled Africa as well as in Portugal has provided both equipment and expert knowledge for the stabilization of complex and sophisticated communications systems which are essential for the maintenance of the white regime.

Now I know that ITT has to obtain South African security clearance for some of its senior technical people. In other words, clearly the work that ITT is doing for the South African Government is of a critically strategic nature.

General Electric South Africa, a wholly owned subsidiary of General Electric of America, now makes about 95 percent of the diesel electric locomotives used for South African railways. Again this is a question of the kind of equipment which is essential for communications and for transport and which falls into a nebulous area which can be interpreted either as war equipment or as peacetime equipment, depending on whether in fact the society seems to be in the state of war or not. It is our contention that the whole of southern Africa must be seen as a society in the processes of a war and therefore the supply of these kinds of equipment strengthens the side to which the equipment is given.

There is a whole long list of other examples which I might quote. Many of them have already been raised in this committee and I do

not want unduly to take time. There is the question of the training of troops. I believe that at the end of 1971 in the hearings figures were provided here on the training of Portuguese troops, but I have no idea whether those are figures which tell the whole story.

Little snippets of information come our way which cast doubt on the likelihood of this being the full truth. For instance, I came across a reference that the present newly appointed controller general of the South African Army was given intensive training at the Pentagon a year or two ago. Now that is no doubt defensible on the basis that teaching a man accounting systems is not military. But if one is teaching a man accounting to run the South African Army more efficiently, is that military or not?

There are other areas of cooperation. There is the whole issue of the Cactus missile about which I know this committee is well aware and I am not going to go into the complexities of that. There is continued scientific and technical cooperation. General Electric in a letter to the South African Financial Gazette early this year said: "G.E. is proud of having the opportunity of increasing its * * * services to South American industry and to customers. The basic thrust of bringing advanced technology from the General Electric Co. in the United States is expected to continue and grow." In other words, there is a broad spectrum of those kinds of cooperations. There is also the constant visiting of military and so on—U.S. military to Angola, Mozambique. I have appended an appendix of the kinds of things which are constantly reported in the Portuguese press which will give some idea of the sorts of things which constantly go on under that kind of label.³

We have been concerned with looking at some fairly detailed information about specific types of equipment. I would like to finish with a quick overview of an aspect of Southern bloc strategy which sometimes tends to be ignored as we count the trees and lose the forest.

Both South Africa and Portugal are extremely aware of the importance not only of local and regional alliances but of increasingly close international alliances which will link them to the interests of the Western Powers.

Portugal already has such a relation with NATO. It is, however, extremely significant that Portugal and Brazil have been involved in intensive contact building in the recent past. It appears to be a logical outcome of this, and an interesting first step towards building a new regional Southern Atlantic alliance, that Portugal has just applied for membership in the Organization of American States. Portugal would be the first European member of that organization. The application was considered on February 21 by the council, and the staff there tells me it has been referred to a political committee for consideration. Whatever the outcome it is clear that Portugal is seeking to strengthen her ties with the Americans. It would be interesting to know what the U.S. attitude toward that application was.

South Africa, in its turn, has for a long time hoped to increase its association with NATO, either by itself or in association with Portugal as an African power. Recent NATO trends indicate that this may not be as wild a hope as it appears on the surface. The last year has seen

³ See appendix, p. 240.

a NATO mission visit South Africa, charged with exploring the Communist threat on NATO's southern flank and the possibility of using South Africa as a reliable base in the strategy against such penetration.

In the autumn of 1972 the NATO parliamentarians meeting in Bonn approved a report emphasizing the need to protect "the shipping lanes between the Indian Ocean and the Southern Atlantic, vital to the European NATO countries." The report stated that—

Portugal, as a member of NATO, should be in a position to make available its facilities on the Azores, the Cape Verde Islands, Madeira and Sao Tome, and to contribute on the African continent to the protection of the Cape route, if NATO should request it.

Now it is not necessary, I am sure, to point out that the liberation movement in Guinea-Bissau is known as the PAIGC (Party for the Liberation of Guinea-Bissau and Cape Verde). In other words, it is a movement for the independence of a united Guinea and Cape Verde Islands, and here is NATO talking about incorporating the Cape Verde Islands inside a NATO strategic design under Portuguese hegemony. Again it would be interesting to know what the U.S. position was on that policy.

The South Africans are working hard to emphasize the importance of including them inside the Western military strategy, as is vividly illustrated by the attached report of a statement by Admiral Bierman, South Africa's chief of general staff.⁴

Bierman drew up a long report on the strategic implications of the ending of the Vietnam war and the escalating struggle in Africa. I want to quote just a little bit. The admiral was talking about the fact that in his interpretation the West had been somewhat unfriendly or reluctant to engage in open alliances. Then going on, he likens the geopolitical situation in Mozambique to that in Vietnam. The newspaper, commenting on current Western attitudes, says:

Even the Americans—who only a year or so back were airily dismissing the Indian Ocean as being at the bottom of their priorities—are changing their tune, to no small degree.

Admiral Elmo R. Zumwalt, Chief of Naval Operations, and the only top-ranking U.S. naval officer to emerge with his reputation enhanced in the woeful American showing in Vietnam, has urged a very much stronger U.S. naval presence in these waters.

Here he is backed up by many senior congressional spokesmen, men who fear that if the British Labor Party should be returned it could very easily immediately repudiate the Simonstown agreement, suicidal to Britain though this might be.

Recently the conservative, highly influential American-African Affairs Association sent a three-man fact-finding team, including one black political commentator, to study the Communist drive into Africa.

Its report, submitted last month, urged a "very careful assessment * * *."

In other words, the South Africans are pushing hard and they know that there is a responsive audience within the American administration. It is likely that there will in fact be a coalescence of interest between the white powers of southern Africa and the Western powers still looking over their shoulder at the Soviet Union. The U.S. stance on this is not at all clear.

The Azores agreement made last year with Portugal on grounds that were quite insufficient, unless Portugal's continued stable presence

⁴ The article appears in the appendix at p. 245.

in Africa was seen as worth paying a high price for, seems to indicate that the United States will in fact support such southern strategies, thus involving itself in ever greater commitments to the reactionary minority regimes of southern Africa.

I think that Judge Booth would like to finish up.

Judge BOOTH. Mr. Chairman, just a résumé of what we of the American Committee on Africa would ask the committee to support both in the full Foreign Affairs Committee and in Congress and generally to the American public.

First, we believe that the committee should move forcefully to see to it that the administration supports and moves to enforce United Nations resolutions calling for an embargo of southern African nations that practice apartheid.

Second, we believe that this subcommittee should move the Foreign Affairs Committee and Congress to see to it that our Government and the people of our country do not provide military patents and other military know-how to these southern African apartheid nations; that foreign capital which goes into South Africa's arms industry should be cut off; that skilled technicians should be discouraged from emigrating to southern Africa; that special training should not be offered to military and police officers from Portugal and South Africa; cooperation in the nuclear and space fields should be ended, and this would include removal of the U.S. tracking stations from South Africa; spare parts and repairs should not be supplied to maintain equipment sent prior to the embargo; all items suitable for both military and civilian use should be embargoed, and in particular motor vehicles and light aircraft should be included.

Finally, we believe that it would be the proper function of this committee to urge the Foreign Affairs Committee and to urge Congress to make widely known to our U.S. citizens all the facts that you have determined through your hearings in the many months you have been working. We believe that this is necessary because the pressure of public opinion is all that we believe can move this administration to tell the truth about its relations with southern African countries.

Thank you very much for your attention.

Mr. DIGGS. Thank you very much, Judge Booth and Mrs. Davis.

We now call our other witness and then following that we will go into question and answer.

Judge BOOTH. All right, sir.

Mr. DIGGS. The Chair would now like to call the Hon. James H. Noyes, the Deputy Assistant Secretary of Defense for Near Eastern and South Asian Affairs, Department of Defense, and request that he identify those who are accompanying him here this afternoon.

STATEMENT OF HON. JAMES H. NOYES, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR NEAR EASTERN, AFRICAN, AND SOUTH ASIAN AFFAIRS, DEPARTMENT OF DEFENSE

James H. Noyes was sworn in on 15 September 1970 as Deputy Assistant Secretary of Defense in the office of the Assistant Secretary of Defense for International Security Affairs.

As Deputy Assistant Secretary for Near Eastern, African, and South Asian Affairs, Mr. Noyes has primary responsibility for all policy matters of Defense interest pertaining to the countries of the Near East and South Asian Region, including Greece and Turkey, and for Africa.

Mr. Noyes was born 29 March 1927, at San Francisco, California. He received his B.A. degree from Yale University in 1950. Subsequently, he studied for one year as a special student at Allahabad University, India, and, in 1953, received his Master's degree in political science at the University of California, Berkeley. He served both in the Middle East and in the United States with American Friends of the Middle East, Inc., during the period 1955 through 1959. After leaving the American Friends of the Middle East, Incorporated, Mr. Noyes served as a lending officer in Bank of America's International Banking Administration, San Francisco, until joining the Asian Foundation in September 1962.

Immediately before his Defense appointment, Mr. Noyes served as Director, Northeast Asia Division for the Asia Foundation, San Francisco. From 1965 through 1968, he was assigned as the Foundation's representative in Ceylon. Mr. Noyes is married, and has three children.

Mr. NOYES. Good afternoon, Mr. Chairman.

I would like to introduce Mr. George Bader who is Director of the African Region in the International Security Affairs and Department of Defense; Mr. John Mullen who is directly concerned with southern Africa; Captain Kneale of Legislative Affairs; Colonel Bowen of the European Region in ISA; and Mr. Cohen from the General Counsel's Office, Department of Defense.

Mr. DIGGS. If you wish to have any of these other gentlemen with you—

Mr. NOYES. No. Thank you very much.

For the sake of clarification before I begin my statement, Mr. Chairman, I would like in view of your comment earlier, something to the effect that it was only through repeated efforts on the subcommittee's part that we are here today. I would simply like to make a clarification. We did receive a phone call from the subcommittee on March 7 requesting testimony. The general topic was mentioned without specifics that you wished to have addressed.

We received your letter with the specifics—a 5-page letter with a considerable amount of detailed information requested—on the 16th of March. We desired to be as forthcoming as we possibly could. We respectfully requested, in view of the fact that much of the information had to be gathered from various places, the consideration by the subcommittee of a delay. The minute this request for a delay was denied we agreed to appear today and here we are.

I am pleased to appear today to review the role of the Department of Defense in the implementation of the U.S. arms embargoes to South Africa and Portugal.

As you requested, I will attempt to answer all of the questions that were raised in your letter of March 12 that fall within the purview of the Department of Defense.

At the outset, I would like to make clear that the role of the Department of Defense is essentially supportive of the Department of State in the implementation of our embargoes. In contrast to the broad range of questions posed in your letter, Mr. Chairman, DOD's actual responsibilities associated with the embargoes are relatively limited.

The Department of Defense adheres strictly to the U.S. arms embargo policies. Total DOD sales to South Africa in fiscal year 1972 was \$2,000 for technical orders, publications and stock lists.

The technical orders, publications and stock lists related to the C-130 aircraft purchased before the U.N. embargo. DOD sales to Portugal in fiscal year 1972 totaled about \$3.6 million, primarily for space parts for aircraft and ships and communications equipment. Items sold by

DOD to Portugal are strictly limited to requirements for Portugal's NATO mission.

I think it important to emphasize that I am referring to sales of items that fall under the purview or control of the Department of Defense. There are commercially available items that could be purchased by South Africa or Portugal that are regulated by licensing and export controls of the Departments of State and Commerce. Such items that are included on the munitions list are controlled directly by the Department of State. Items not on the munitions control list fall under the responsibility of the Department of Commerce.

The Department of Defense, when requested, contributes technical information when such license applications are reviewed for approval. Questions concerning such sales would come under the purview of the Departments of State or Commerce. I understand that representatives from the Department of Commerce testified before this subcommittee on the 20th of March and presume that sales falling under their purview have already been discussed.

These policies and procedures also apply generally to the sale or transfer of military equipment by third countries when a U.S. licensing agreement is involved or when any U.S. componentry included with the item is, in itself, of a weapons nature or constitutes a significant or important part of the item. Specific requests from third countries for such transfers are reviewed by the Department of State and the applicability, if any, of the U.S. embargo is determined. Using the specific examples mentioned in your letter of a hypothetical sale to South Africa of French Atlantique aircraft or comparable British aircraft, our bilateral agreements require that any significant U.S. manufactured or licensed componentry that might be included in any such case would have to be reviewed against the embargo criteria by the Department of State.

As you know, Mr. Chairman, U.S. policy since 1961 has been to deny arms of U.S. origin to either side involved in the dispute in Portuguese Africa. Since that time, we have required and obtained formal assurances from the Government of Portugal that any embargoed equipment provided by the U.S. Government will be restricted to use in the NATO areas. No ground-combat weapons are provided.

Our military assistance advisory group in Portugal is responsible for end-use checks on such material provided. These checks are carried out through periodic inspections, at least twice a year, when the equipment is identified against inventory lists. Also, resident U.S. diplomatic representatives in Portuguese Africa and nearby countries such as Zambia report and follow up as appropriate on alleged violations.

Every alleged violation of the use of U.S. equipment was used by the Portuguese in Africa has been investigated when brought to our attention. These investigations are normally followed by discussions with Portuguese authorities. We know of no instance when the Portuguese violated their assurances, and we stand ready to examine any such evidence to the contrary.

There have been instances when our investigations have revealed that the equipment was obtained prior to the embargo. In addition, there is still surplus World War II materiel of U.S. origin that can be obtained from sources outside the United States, and such materiel

is no longer under the direct control of the United States. Since introducing firm controls pursuant to the Mutual Security Act of 1954, property such as arms, ammunition, and implements of war classified in U.S. Traffic in Arms Regulation (ITAR-22CFR-122) as munitions list items may be sold only to authorized countries or their authorized agents. Such sales carry further restrictions as to their transfer to other countries, which is subject to U.S. approval.

Munitions list items which are not sold to authorized countries are demilitarized prior to or as a condition of sale, which is subject to verification. Such demilitarization is performed by cutting, crushing, smelting, et cetera, in accordance with the DOD Demilitarization Manual of September 1970 (DOD 4160.21-M-1). The scrap resulting from demilitarization is normally commingled with other scrap generated by the installation and then sold.

Allegations that we have furnished defoliants to the Portuguese for use in combating insurgency in Africa are unfounded. The Department of Defense has not provided any defoliants, defoliant equipment, or defoliant training to the Portuguese. Herbicides used for such purposes are not classified, and are readily available on the open market from a number of commercial sources, both United States and foreign. In fact, Portugal, itself, manufactures herbicides. Consequently, the Department of Defense would have no basis to protest Portugal's use of such herbicides in Africa.

As to your questions concerning the Beechcraft Corp., we are not aware of any application it may have made for an export license for sale of civilian aircraft to South Africa. As we discussed previously with the subcommittee, we are aware of the statement made by Mrs. Beech in 1971 concerning her interest in a possible sale. To our knowledge, however, no subsequent application for an export license was made. Such application, of course, would normally be raised with the Departments of State or Commerce, not with DOD. Similarly, any restrictions applicable to such a sale or penalties invoked in cases of infringement would fall under the purview of the Department of State.

There are presently 11 U.S. military personnel assigned to our military assistance advisory mission in Portugal to administer the U.S. security assistance program. They are restricted from providing any support for Portugal in Africa, and none of our military personnel have assisted in any way in the conduct or planning of Portuguese military operations in Africa. No U.S. military personnel are assigned for duty in Portuguese military units, although the U.S. Navy is considering a NATO-oriented exchange program of an officer and enlisted man. These U.S. Navy personnel would be restricted to NATO-related assignments. Except for periodic attaché visits, no U.S. military are assigned to Portuguese Africa.

We know of no basis for allegations that we have provided information on the location of liberation movement forces in Portuguese Guinea or anywhere else in Africa. DOD does not provide any intelligence information to the Portuguese outside of their NATO responsibilities. Training provided to the Portuguese military by the Department of Defense is limited to Portugal's NATO mission, primarily to enhance its capability in antisubmarine warfare and air defense.

Over the past 5 years, 474 Portuguese officers and men have been trained in the United States under our security assistance program. In recent years our grant program has averaged about \$1 million annually. No Portuguese military students have received counterinsurgency training in the United States or elsewhere since the early 1960's. I have submitted a more detailed breakdown of our training during that period as an attachment.

[The information referred to follows:]

LIST OF TRAINING PROVIDED FOR PORTUGUESE MILITARY IN PERIOD FISCAL YEAR
1968-72 INCLUSIVE
PORTUGAL STUDENT COUNT

	Fiscal year—					
	1968	1969	1970	1971	1972	1973
CONUS						
Student total—Army	6	3	8	6	6	15
Officer	6	3	8	6	6	15
Enlisted						
Student total—Air Force	1	7	2	3	10	12
Officer	1	7	2	3	9	11
Enlisted					1	1
Student total—Navy	63	95	49	18	16	15
Officer	11	14	13	14	12	13
Enlisted	52	79	36	4	3	2
Civilian		2			1	
Total student count	70	105	59	27	32	42
Officer	18	24	23	23	27	39
Enlisted	52	79	36	4	4	3
Civilian		2			1	
OVERSEAS						
Student total—Army	4	25	29	31	30	35
Officer	2	25	29	31	30	35
Enlisted	2					
Student total—Air Force				45	17	17
Officer				44	17	17
Enlisted				1		
Student total—Navy						
Officer						
Enlisted						
Civilian						
Total student count	4	25	29	76	47	52
Officer	2	25	29	75	47	52
Enlisted	2			1		
Civilian						
Grand total by year	74	130	88	103	79	94

Mr. NOYES. We are attempting to compile the detailed information you requested on the names and ranks of all Portuguese military personnel trained by the United States in the last 5 years. Our reply to your request will be submitted for the record as soon as possible.¹ We have no specific data, however, on the number of U.S.-trained Portuguese career military that might now be serving in Africa or else-

¹ See p. 107.

where. The United States does not, however, impose restrictions on Portugal's progressive career assignments of its own personnel within its military establishment.

As to your request for details on all field trips made over the last 5 years by U.S. military personnel to Portuguese Africa, our records indicate that there were 12 field trips during that period. These field trips consisted of visits by U.S. military attachés, twice as escorts, in one case for a congressional delegation and the other with the U.S. Ambassador to Portugal, and three visits by groups from the U.S. National War College making their annual field trip. I have also submitted for the record at this point a detailed list of those field trips.

[The information referred to follows:]

LIST OF VISITS BY U.S. MILITARY PERSONNEL DURING PERIOD 1968-1972 TO
PORTUGUESE AFRICA TERRITORIES

Dates and areas visited

Personnel involved

GOP Sponsored Trips for Foreign Attaches:

29 Sep-13 Oct 1968, Mozambique----- Asst. Army and Air Attaches

6-13 Oct 1969, Portuguese Guinea----- Asst. Air Attache

18 Nov-16 Dec 1969, Angola

and Mozambique----- Air Attache and Asst. Air Attache

21-30 May 1970, Portuguese Guinea,

Cape Verde Islands----- Naval Attache and Asst. Air Attache

3 May-1 Jun 1971, Angola

and Mozambique----- Air Attache and Asst. Air Attache

25 Apr-2 May 1972, Portuguese Guinea,

Cape Verde Islands----- Asst. Army Attache and Asst. Air Attache

3-18 Apr 1973 (Planned), Angola----- Army Attache and Asst. Air Attache

National War College Trips:

1968-Angola----- African Study Group

1970-Angola----- African Study Group

1972-Mozambique----- African Study Group

Escort Trips:

19-23 Feb 1971 (to accompany Ambassador

Knight), Angola and Mozambique----- Asst. Air Attache

8-15 Aug 1971 (to accompany Congressman

Biggs), Portuguese Guinea, Cape Verde Islands----- Army Attache

Mr. NOYES. The DOD provides no military training or correspondence courses for members of the South African military and has not during the last 5 years.

In response to your request for a listing of films made available from GSA, although such sales are open to the general public, I would like to submit for the record also the list compiled by GSA of sales to Portugal and South Africa.

[The information referred to follows:]

LIST OF FILMS SOLD BY GENERAL SERVICES ADMINISTRATION TO PORTUGAL, SOUTH
AFRICA, AND RHODESIA FROM 1968 TO 1972 AND PRESENT

Date: March 16, 1971. Address: Mr. A. Sloan, buyer, University of the Witwatersrand, Johannesburg. Buying Department, Jan Smuts Avenue, Johannesburg, South Africa. Title: The Allen Case. Producer: Office of Education, HEW.

Date: July 27, 1971. Address: General Manager, Rig Korrespondensie aan die Hoofbestuurder, P.O. Box 1486, Pretoria, South Africa. Title: Fire Prevention—Know Your Fire Hazards (MN-8330B). Producer: U.S. Navy.

Date: October 28, 1971. Address: Dr. Eleanor Preston-Whyte, Senior Lecturer, Department of African Studies, University of Natal, King George Avenue, Durban, South Africa. Title: The Feast. Producer: Atomic Energy Commission.

Date: December 8, 1971. Address: Dr. C. A. Josephson, 306 United Building, Regent Road, Sea Point, Cape Town, South Africa. Title: Subgingival Curettage (D-131). Producer: Veterans Administration.

Date: May 2, 1972. Address: William L. Jacobsen, Second Secretary, American Embassy, Lisbon, Portugal. Titles: Fire Prevention—The Nature of Fire (MN-8330A); Fire Prevention—Know Your Fire Hazards (MN-8330B). Producer: U.S. Navy.

Date: September 4, 1972. Address: Professor Mario Gentil Quina, Clinica Universitaria de Patologica Medica, Faculdade de Medicina, Servico de Patologica Medica, Lisboa 4, Portugal. Title: Differential Diagnosis of Steatorrhea (S-1734-X). Producer: National Medical Audiovisual Center.

Date: October 18, 1972. Address: Beltrao Coelho, Beltrao Coelho Lda., Rua Castillo 1A, Lisboa, Portugal. Title: Biology and Control of Domestic Mosquitos (M-357). Producer: National Medical Audiovisual Center.

Date: November 13, 1972. Address: Independent Film Library, P.O. Box 11,112, Johannesburg, South Africa. Title: Introducing the New Worker to His Job. Producer: Office of Education, HEW.

Date: November 15, 1972. Address: A. J. van den Berg, Librarian, University of Pretoria, Pretoria, South Africa. Titles: Arthropod Borne Encephalitis—Its Epidemiology and Control (M-542); Laboratory Diagnosis of Rabies in Animals (M-458); Germ Free Animals in Research (M-138); Chick Embryo Techniques (M-42); Preparation of Primary Mammalian Kidney Cell Cultures (M-848); Producer: National Medical Audiovisual Center.

Date: February 6, 1973. Address: The Secretary for Transport, Division National Roads, Private Bag X193, Pretoria, South Africa. Title: The Forgiving Highways. Producer: Federal Highway Administration.

Date: March 9, 1973 inquiry received—no reply to date. Address: Beltrao Coelho, Beltrao Coelho, Lda., Rua Castillo 1A, Lisboa 1, Portugal. Titles: Preventive Medicine (M-1161); It Must Be The Neighbors (TF-1-8163). Producer: National Medical Audiovisual Center and U.S. Air Force.

Date: March 16, 1973 proforma invoice sent, requesting payment. Address: Beltrao Coelho, Beltrao Coelho, Lda., Rua Castillo 1A, Lisboa 1, Portugal. Title: Constructing A Sanitary Pit Privy. Producer: National Medical Audiovisual Center.

Mr. NOYES. In response to your question concerning the U.S. Air Force tracking station in South Africa, the station is presently used largely for the support of a Navy geodetic project, receiving information from a navigational satellite that is then transmitted to Johns Hopkins University.

The actual operation of the station has, from the outset, been performed under a commercial contract by the Pan American Airways and its prime subcontractor, the Radio Corp. of America. At present, there are three U.S. civilians and one U.S. Air Force non-commissioned officer at the station.

The facility is the terminal station on the Air Force eastern test range and played a key role in our missile and space program in the 1960's.

During the current period of reduced activity, we permit non-military utilization of some of the station's facilities by the South African Council for Scientific and Industrial Research for weather research and by the South African Postal Department for radio communications.

As requested in your letter, we have prepared a description of the merits of South African harbors, civilian and military, as compared to others in the area. With your permission, Mr. Chairman, I would like to submit a classified paper that describes these harbors. I would only add that South Africa has the only harbors in Africa south of the Sahara with facilities capable of handling major vessels; that is, for repairs and drydocking of ships up to 100,000 tons and 45-foot draft.

Mr. Chairman, this concludes my prepared statement. I would be pleased at this time to attempt to answer any further questions you

or the members of the subcommittee may have that fall within my responsibilities.

Mr. DIGGS. Thank you, Mr. Secretary.

Before we get to the questions that are generated by your statement I think it is important that the subcommittee have a clear understanding of the statutory authority under which you are operating with respect to South Africa and with respect to Portugal because you indicated or seemed to feel that your scope of involvement here is very limited despite numerous references to the Department by other agencies who say just the contrary. You say that "It is not our responsibility" or "Our responsibility goes up just to a certain point." Now this has been said and there we go into the Defense Department. Then we get you before the committee and you say your scope is limited and that you blame it on the policy matters in the Department of State.

So for a few minutes I would like to try to get some clarification on that, to talk about your statutory authority. Since the enactment of the Foreign Military Assistance Sales Act the conditions for furnishing defense articles or defense services to public countries has been quite exact. No defense articles or defense services may be sold to any country under that act unless the President finds that the furnishing of defense articles and defense services to such country will strengthen the security of the United States and promote world peace.

Now that is section 3 of that act. Would you agree with that interpretation?

I want to repeat that. No defense articles or defense services may be sold to any country under that act unless the President finds that the furnishing of defense articles and defense services to such country will strengthen the security of the United States and promote world peace.

That is section 3 of the Foreign Military Sales Act. I would like to know if you consider that a correct statement?

Mr. NOYES. That sounds to me, Mr. Chairman, like a correct reading of it.

Mr. DIGGS. Let's not "sound." You have your legal counsel here, let him come up here and furnish you—are you a lawyer?

Mr. NOYES. No, sir.

Mr. DIGGS. Well, I think you better get him up here then because I don't want your personal opinion, we want the Department's opinion. We don't want you to wonder about anything. You have your counsel here. We would like to get a precise response to that question. That is very fundamental. There is no point in him being back there, let him sit up here where he can provide you with this legal assistance.

STATEMENT OF BARRY E. COHEN, LEGAL ADVISOR, OFFICE OF ASSISTANT GENERAL COUNSEL FOR INTERNATIONAL AFFAIRS, OFFICE OF THE SECRETARY OF DEFENSE, DEPARTMENT OF DEFENSE

Mr. COHEN. Barry Cohen from the Office of the General Counsel, Department of Defense.

I believe you quoted section 3(a)(1) of the act almost verbatim. Mr. Chairman. We have no dispute whatsoever with your characterization of that condition.

Mr. DIGGS. OK. Further under that act, "Defense articles and defense services shall be sold to a friendly developed country only for certain set purposes"—only for certain set purposes—"solely for internal security, for legitimate self-defense or for collective or regional security."

Is that correct?

Mr. COHEN. There is no prohibition on sales to an underdeveloped country under the act, Mr. Chairman. Previously you had quoted section 3(a)(1). Could you refer me to the section you are now addressing?

Mr. DIGGS. Will counsel provide the section?

Mrs. BUTCHER. Section 4.

Mr. COHEN. Well, there is no reference there to developed countries. Friendly countries, yes. I acknowledge that the general purposes are internal security, self-defense, and regional and collective arrangements. However, as far as a sale to an underdeveloped country is concerned, it is authorized. I would point your attention to the so-called Conte amendment, the proviso of section 4 of the Foreign Military Sales Act which places a restriction on a type of sale to underdeveloped countries; namely, sophisticated weapons systems.

Mrs. BUTCHER. Mr. Chairman, the question did not refer to underdeveloped countries but only to developed countries.

Mr. COHEN. Well, I may have misunderstood the chairman's question. I thought he was interpreting the act to restrict us to sales to developed countries only.

Mr. DIGGS. Well, let me put the other questions on the record and then we can bring out this matter in the colloquy.

Does the Foreign Military Sales Act use the definition of defense services and defense articles of the Foreign Assistance Act in section 644(f)?

Mr. COHEN. I will have to provide that for the record, Mr. Chairman. I don't know the answer to that.

Mr. DIGGS. Does counsel want to clarify that question?

Mrs. BUTCHER. In the Foreign Assistance Act these are defined to include the furnishing of any service, any training, formal or otherwise, in the United States or overseas, directly or by correspondence courses, any orientation or military advice, the furnishing of any publications or of any technical assistance together with the furnishing of other services.

The question is whether defense services as expressed in the Foreign Military Services Act uses the definition of the Foreign Assistance Act.

Mr. COHEN. We don't interpret it any less restrictively.

Mrs. BUTCHER. That is fine.

Mr. DIGGS. Does the furnishing of defense services include any service, any training, formal or otherwise, in the United States, overseas, directly or by correspondence courses, any orientation or military advice? Does the furnishing of defense services include the furnishing of publications or of any technical or other assistance?

Mr. COHEN. If a publication or a service is a defense service only, if it relates to a defense subject, then we treat it as authorized for sale under the Foreign Military Sales Act. This is not to say that there may not be other authorities in other portions of law which the

Defense Department or other agencies may administer which might permit a sale of the identical item.

Mr. DIGGS. I yield to the gentleman from Michigan.

Mr. VANDER JAGT. I have no questions.

Mr. DIGGS. The gentleman from Pennsylvania.

Mr. BIESTER. I have no questions.

Mr. DIGGS. The gentleman from Kansas.

Mr. WINN. Thank you, Mr. Chairman. I have just one question.

Mr. Secretary, on page 8 you referred to, "The facility is the terminal station on the Air Force eastern test range and played a key role in our missile and space program in the 1960's."

As I remember it, that is part of the tracking station system tied in with a communications system that is near Madrid. Are you aware of this, any of you? I don't care who answers.

Mr. DIGGS. Mr. Bader.

Mr. WINN. We have a very thorough system of tracking stations around the world for our space program which we share with the world as far as telling where they are, and one of them, a very important one, is right outside of Madrid. Is this the tracking station that you refer to on page 8 as part of that space program?

**STATEMENT OF GEORGE W. BADER, REGIONAL DIRECTOR
(AFRICA), OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
(INTERNATIONAL SECURITY AFFAIRS), DEPARTMENT OF
DEFENSE**

Mr. BADER. Mr. Congressman, in the context of the statement on the eastern test range, I think that is separate and distinct from other ranges or other tracking facilities. That refers to a group of stations emanating actually from the Caribbean Sea outward. Whether or not there is a tie-in, and by that I assume you mean a communications link—

Mr. WINN. Communications, yes.

Mr. BADER. I would presume so but I would be delighted to find out specifically if you like.

Mr. WINN. I would like to have that in the record because I am sure I visited our tracking station right outside Madrid and I think at that time while we were there we heard from several other parts of the communications system, and I think that one of them was the one that you referred to. You are talking about the one in Portugal, aren't you?

Mr. BADER. In South Africa.

Mr. WINN. In South Africa?

Mr. NOYES. Yes.

Mr. WINN. Could you submit that for the record?

[The information requested follows:]

It is essential that we note the difference between the US Air Force Eastern Test Range tracking stations and the NASA tracking stations. The Air Force operates Station 13 at Pretoria, South Africa. NASA operates stations in Madrid, Spain, Johannesburg, South Africa, and the Malagasy Republic. Each of these stations has overlapping but different capabilities; however, part of each station is a communication system. Under normal circumstances NASA, between its three stations, can fulfill all its requirements; however, in the capability does

exist for NASA to call upon the Air Force for assistance when required. Although NASA has not requested Air Force assistance for several years, it is possible that the NASA station at Madrid was communicating with Station 13 when Mr. Winn was visiting.

Mr. WINN. That is the only question I have, Mr. Chairman.

Mr. DIGGS. Is Portugal an economically developed country for the purposes of the Foreign Assistance Act?

Mr. BADER. Mr. Chairman, I didn't understand the question. You mean a less developed country or—

Mr. DIGGS. An economically developed country.

The point I am getting at, is that 620(m) prohibits the furnishing of more than \$500,000 grant assistance in any fiscal year to Portugal if it is capable of sustaining its own defense burden and economic growth.

Mr. NOYES. Well, in this case it clearly is not. It has not achieved that level of economic self-sufficiency which would inhibit it in these terms from receiving grant assistance.

Mr. DIGGS. Will counsel clarify this?

Mrs. BUTCHER. 620(m) refers to any economically developed country, and we are trying to find out whether Portugal is considered an economically developed country from that point of view and I believe that it has been acknowledged as such because pursuant to the Azores agreement the Government felt it was necessary to take a specific exception under 620(m).

Mr. BADER. I understand that is correct but we would be delighted to look into that.

Mr. DIGGS. Furnish that answer.

Mr. BADER. Yes.

[The information requested follows:]

PROVISION OF MILITARY AID TO PORTUGAL UNDER THE FOREIGN ASSISTANCE ACT

Within the context of Section 620(m) of the Foreign Assistance Act, Portugal is considered to be an economically developed country. Accordingly, the small aid program for Portugal, consisting mainly of spare parts and training for NATO-committed forces, has been continued under the waiver provisions of Section 614 of the Act.

Mr. DIGGS. All right.

Unless the President invokes the exceptional authority which the Congress has granted him in section 614 of the Foreign Assistance Act, in a case where the furnishing of more than one-half of the \$1 million in grant assistance is important to the United States, this generally is what we are talking about.

Does counsel want to clarify that so we can get the response for the record?

Mrs. BUTCHER. Yes.

As you know, the prohibition in section 620 of the Foreign Assistance Act relate to the furnishing of aid under certain conditions. There is, however, an exceptional provision in section 614 of the act which empowers the President to override all of those prohibitions if he finds that such grant assistance is important to the security of the United States itself. That is section 614. We just wanted to clarify that so that we could get to the point where that section was invoked for Portugal under the Azores agreement.

Mr. BADER. Presidential determination under 614 for Portugal.

Mr. NOYES. We will provide that information.

Mrs. BUTCHER. And provide a copy of the determination.
[The information referred to follows:]

THE WHITE HOUSE,
Washington, D.C., December 5, 1972.

MEMORANDUM FOR THE SECRETARY OF STATE—PRESIDENTIAL DETERMINATION
UNDER SECTION 614(a)—PORTUGAL

In accordance with the recommendation in your memorandum of November 6, and pursuant to Section 614(a) of the Foreign Assistance Act of 1961, as amended, I hereby:

(a) Determine that the use of not to exceed \$905,000 in fiscal year 1973 for the grant of defense articles and defense services to Portugal, without regard to Section 620(m) of the Act, is important to the security of the United States; and

(b) Authorize such use of up to \$905,000 for the grant of defense articles and defense services to Portugal without regard to the limitations of Section 620(m) of the Act.

This determination shall be published in the Federal Register.

RICHARD NIXON.

Mr. Diggs. Since the enactment of the Foreign Military Sales Act has the Department provided any defense articles or defense services to South Africa?

Mr. NOYES. Yes, Mr. Chairman. As I mentioned in my testimony, as an example, the technical publications for the C-130 aircraft were provided.

Mr. Diggs. You state on page 1 of your statement that in 1972, \$2,000 of technical order publications, stock lists, and training films was furnished to South Africa. What is the total for all defense services for 1970, 1971, 1972, and thus far this year? Do you have that information?

Mr. NOYES. We will have to provide that.

[The information requested follows:]

Articles and services provided South Africa since embargo

<i>Fiscal year and item</i>	<i>Value</i>
1964: Training aids and publications-----	\$1,273
1965:	
Training aids and publications-----	1,146
Mark 44 torpedo spares-----	44,210
1966:	
Launch test equipment-----	2,128
Miscellaneous support equipment-----	5,089
Training aids and publications-----	350
Supplies and supply operations-----	2,267
1967: Training aids and publications-----	790
1968: Training aids and publications-----	553
1969: Training aids and publications-----	3,923
1970: Training aids and publications-----	1,238
1971: Training aids and publications-----	1,496
1972: Training aids and publications-----	1,311
1973: None delivered-----	
Total -----	65,774

Mr. Diggs. Would you submit for the record a total for each year since the embargo was established. We are talking about all defense articles and services.

Mr. BADER. There is one thing I would like to clarify, Mr. Chairman. As Mr. Cohen said, there are other authorities besides the Foreign Assistance Act and we will have to review those as well.

Mr. DIGGS. That is what we would anticipate.

We further want to know exactly what services and articles are furnished in addition to the total value; exactly what are these services and these articles?

Did the President make the finding necessary for the furnishing of defense articles and services; namely, that such sales to South Africa would strengthen the security of the United States and promote world peace as required by section 3 of the Foreign Military Sales Act?

Mr. NOYES. I am just not certain, Mr. Chairman. We will have to check that.

Mr. DIGGS. You have no knowledge of that at all?

You know, this is very fundamental.

Mr. NOYES. It is a question of what the authority is, Mr. Chairman, precisely, and I just don't have the information at this time.

Mr. DIGGS. And the date that the finding was made.

[The information requested follows:]

No finding pursuant to Section 3(a) of the Foreign Military Sales Act has been made for South Africa. The authority of that legislation is not relied upon for transactions with the Government of South Africa occurring after 1968, the time of enactment of the Foreign Military Sales Act.

Mr. DIGGS. Well, assuming that such a finding was made, and obviously it was, how do you justify this determination within that definition? How do sales to South Africa strengthen the security of the United States and promote world peace?

Mr. NOYES. I am not sure that that definition did provide the authority under which this particular sale was consummated. The understanding that was reached after the embargo was that equipment for support of preexisting contracts, such as the following spare parts for the C-130's, would be permitted under the terms of the embargo. Now the precise legal authorization or interpretation I just don't happen to have.

Mr. DIGGS. Well, let's talk about section 4 of the Foreign Military Sales Act. Under what basis as required by the act—internal security, legitimate self-defense, or collective regional security—have any such articles or services been furnished to South Africa?

Mr. NOYES. I would just rather not speculate, Mr. Chairman. I would have to check it.

Mr. COHEN. Well, for these technical pamphlets, given the time constraints we had for preparation, we were unable to identify the specific basis for their sales authorizations. We believe that these are generally available to the public and that the Air Force may have sold them under the authority of the Freedom of Information Act and that they were therefore sold outside the Foreign Military Sales Act; the types of qualifications that you refer to would therefore not have been applicable.

Mr. DIGGS. You are speculating that this may have been the rationale used, is that correct?

Mr. COHEN. Yes.

Mr. Digg's. We would like to get a direct answer from the Department if you are not prepared to give it on that point. We would like for the record the specific authority that was used, if that was used, and we would like that provided.

[The information requested follows:]

Since the enactment of the Foreign Military Sales (FMS) Act in 1968, the only items which have been supplied to South Africa have been technical orders and publications, providing instructions related primarily to continuing maintenance and safety of C-130 military transport aircraft acquired commercially by South Africa in the United States prior to the Arms Embargo. This printed matter, containing unclassified technical data, is available to persons outside the government upon payment of an appropriate fee. The US Government has traditionally taken the position that unclassified information should be made openly and freely available. This is in line with the intent of Congress; reference may be made, for example, to the Freedom of Information Act, 5 USC Section 552 and 5 USC Section 301 (concerning the authority of the head of an executive agency or military department to, *inter alia*, regulate the use of its records and papers as evidence of the authority of the Department of Defense to make such documents generally available to the public. Fees for the furnishing of this material to such persons are authorized under 31 U.S.C. § 483a, which has been implemented in the Department of Defense by DoD Instruction 7320.7.

Mr. Digg's. There is not any doubt that you furnished defense articles and defense services to Portugal. There is not any question about that.

Mr. NOYES. No.

Mr. Digg's. Now on what date was that made that this would strengthen the security of the United States and promote world peace as provided by the Foreign Military Sales Act?

Mr. NOYES. We don't have the date, Mr. Chairman. We will provide that for you.

Mr. Digg's. Well, again we wish that provided for the record.¹

Would you submit for the record the total value and the description of all the defense services and articles furnished Portugal since the embargo?

Mr. NOYES. We will submit that, Mr. Chairman.

[The information requested follows:]

DEFENSE ARTICLES AND SERVICES PURCHASED BY PORTUGAL SINCE THE EMBARGO

<i>Item</i>	<i>Value (millions)</i>
Weapons and Spares-----	\$1.3
Communications-----	2.8
Aircraft and Ship Spares-----	4.7
Ammunition-----	1.4
Publications Training Aids Supply Support-----	2.8
Total-----	13.0

Mr. Digg's. The Azores agreement provides for grant assistance to Portugal. What is the amount of that?

Mr. BADER. That gets into the terms of the agreement.

Mr. NOYES. We would possibly have to provide that on a classified basis, Mr. Chairman.

Mr. Digg's. For the record, do you know if it exceeded the half million dollar limit of 620(m) of the Foreign Assistance Act?

Mr. BADER. Mr. Chairman, we will furnish the information for the record.

[The information requested follows:]

¹ The Department of Defense advises that the date of Presidential Determination for Sales to Portugal, by Presidential Determination 73-10 is January 2, 1973.

ASSISTANCE FOR PORTUGAL UNDER THE AZORES AGREEMENT

Only non-military assistance was furnished to Portugal in conjunction with extension of the Azores Agreement in 1971. This involved the loan of an oceanographic research vessel, \$1 million educational assistance, transfer of \$5 million worth of non-military excess equipment (at initial acquisition cost), favorable terms for the purchase of PL-480 commodities valued at \$30 million, and the offer of Export-Import Bank financing credits for development projects in metropolitan Portugal. Except for the \$5 million non-military excess equipment, which is authorized under the waiver provisions of Section 614, these items were not offered under the auspices of the Foreign Assistance Act.

Mr. DIGGS. Well, then if you are providing the answer for the record and if it indicates that it is over the half-million-dollar limit, then obviously the next question is: Did the President make the finding under section 614 that this was important to the security of the United States? We would like to have a statement of justification for the record if the grant assistance you are providing exceeds that amount.

We would like to know how many other waivers were made for that year if the record indicates that.

Mr. COHEN. Of section 620(m) or 614?

Mr. DIGGS. Section 614.

Mr. WINN. Will the gentleman yield?

Mr. DIGGS. Yes; I yield.

Mr. WINN. I just wondered on the grant assistance to the Azores, if there is a total that the chairman referred to, could this be several sections under several programs?

Mr. NOYES. I just don't know, Mr. Congressman. We will have to provide the information.

Mr. WINN. Without any security or confidential information I think that question could probably be answered whether it is grant assistance. It could be parts of several different sections, it would not necessarily have to be all one.

Mr. COHEN. Whether the grant assistance provided was under the same authorization?

Mr. WINN. Yes.

Mr. COHEN. Well, with respect to—

Mr. WINN. Mr. Chairman, is your question just under the one section or under several sections? I don't quite understand what we are trying to reach here.

Mrs. BUTCHER. The prohibition under 620(m) refers to assistance of all kinds under any authority provided to an economically developed country in 1 year. As a matter of fact, I did check the record submitted to the Congress on the hearings on the Case resolution and a statement is carried in that that the President did make the 614 finding; that is, he used this special limited authority which Congress gives him to override the prohibitions; but I believe that it should be supplied for the record of these hearings.

Mr. WINN. I agree with you. I am just trying to find out exactly what the chairman was asking for and to try to clarify it in my own mind.

Thank you, Mr. Chairman.

[The reply of the Department of Defense follows:]

Aside from Presidential Determination 73-9 dated 5 December 1972 under Section 614(a) of the Foreign Assistance of 1961, as amended, covering \$905,000 of grant military assistance, there were no other waivers, involving grant military assistance for Portugal for FY 1973.

Mr. DIGGS. What is the statutory authority for MAAG, the Military Assistance Group in Lisbon?

Mr. COHEN. Under the Foreign Assistance Act, Mr. Chairman, we are——

Mr. DIGGS. That is 503(d)?

Mr. COHEN. Yes, 503(d) is the basic authorization.

Mr. DIGGS. So, in other words, he made a finding that this group was necessary to be established in Lisbon to strengthen the security of the United States and world peace.

Mr. COHEN. The decision to provide grant aid is premised upon a finding of the importance of such assistance to the security of the United States. The assignment of a MAAG is a usual incident to a military assistance program, but does not require any specific finding beyond the finding that established Portugal's eligibility for military assistance.

Mr. BADER. Well, it is pursuant to the——

Mr. DIGGS. We would like to have a copy of that finding. I assume that there is a copy.

Mr. BADER. You are referring now to the original finding. Yes.

Mr. DIGGS. And the last date of the finding. I don't know whether the original finding is the basis upon which this group continues to be there or whether or not there was some recent finding or more recent finding. We would like to have that for the record.

[The information referred to follows:]

Pursuant to section 503 of the Foreign Assistance Act of 1961, Presidential Determination 62-15 of March 9, 1962 rendered Portugal eligible for military assistance under that act. That determination reads in relevant part as follows:

In accordance with the recommendations in your memorandum of February 20, 1962 [from the Administrator, Agency for International Development], I hereby (1) find, pursuant to section 503 (introductory clause) of the Foreign Assistance Act of 1961, as amended (hereinafter referred to as "the Act"), that furnishing military assistance to . . . Portugal . . . will strengthen the security of the United States and promote world peace. . . .

No additional finding was required or made in respect of the Military Assistance Advisory Group in Portugal.

Mr. DIGGS. Is this on a grant basis, by the way, this MAAG?

Section 36 of the Foreign Military Sales Act requires that Congress be furnished with information on any sales to any foreign country of any significant defense articles on the munitions list. Now the Secretary of State is the one who must furnish this information but do you know from your vantage point whether there have been any such sales to Portugal or to South Africa?

Mr. NOYES. We presume so, Mr. Chairman. It not being within our purview, I do not have a list or any specifics.

Mr. DIGGS. On page 1 of your statement you refer to one of the exceptions which the United States made to its enforcement of the embargo, the preexisting contracts exception made by Ambassador Stevenson when he announced the embargo to the Security Council in August of 1963; namely, that the United States would honor existing contracts. You say that in 1972 there were training films, and I presume defense training films——

Mr. NOYES. I am sorry, Mr. Chairman. I corrected that in my remarks, stating that there were no training films. This was simply a stock list item that we first picked up and then discovered was not

correct. Only technical orders, publications and stock lists were provided in fiscal year 1972.

Mr. DIGGS. What else in the way of services or articles have been provided under preexisting contracts?

Mr. NOYES. This is the only item of which we are aware, Mr. Chairman.

Mr. DIGGS. Now the Department of Commerce testified the other day that, No. 1, the Department did not know that Portugal planned to use the Boeing 707's for troop transport and also that they were not being used for these purposes but for civilian purposes only. The committee would like to know what the Defense understanding is about this transaction, whether it was informed that Portugal wanted those 707's for troop transport. Does Defense have knowledge that appears to be pretty widely known elsewhere that the agency in Portugal to whom these items were sold is really a coverup, it is not a civilian agency? Does not in fact Portugal use these planes for military purposes and as a matter of fact for the transport of troops to and from African wars? What else would they use them for? They are not transporting Portuguese troops any place else to my knowledge.

Now maybe you have some special intelligence on this matter and the committee would like to know just what that intelligence is.

Mr. NOYES. Mr. Chairman, we have no special intelligence on this subject. The question of the sale of commercial aircraft to foreign countries is not one falling under the cognizance of the Department of Defense. This is under the purview of the Departments of State and Commerce. Because, by definition, these are not weapons.

Mr. DIGGS. Don't you corroborate? You know, we keep hearing this. When you come here you blame it on State and Commerce; when they come here they indicate that Defense is involved.

Now are you saying that authorization for the sale of equipment that could be involved with the military of a foreign country does not require any kind of corroboration with your Agency or your Department? That just does not make any sense.

Mr. NOYES. Mr. Chairman, we would be——

Mr. DIGGS. You mean the State Department or the Commerce Department would make a decision involving the sale of equipment that could be used for military purposes by a foreign nation without any corroboration by the Department of Defense? Are you saying that, Mr. Secretary?

Mr. NOYES. Let me clarify, Mr. Chairman. We would probably be asked for technical advice or interpretation or comment, particularly in an area where there were military components in a piece of equipment or there was need for an assessment as to its military application. In a matter such as the sale of commercial aircraft, I believe it does not particularly require expertise from the Department of Defense to be passed on to other Departments in order to weigh the potential military applicability of transporting troops and that kind of thing.

Mr. DIGGS. Well, it is pretty difficult to understand in view of all of the testimony that has been made, information readily available from other sources indicating the end use of this equipment, that you have no further knowledge about this matter than you do with your intelligence network and our connection with Portugal in all manner of ways. It is just difficult for me to believe that you have no knowledge about the end use of this equipment for that purpose or that you cannot

take the evidence which has been submitted to this committee and check it out yourself and provide this committee with an assessment of its credibility. Now can you do that?

Mr. NOYES. Mr. Chairman, we of course read the same newspaper reports as do many others and would see no way particularly to confirm or deny how Portugal is using its civilian aircraft.

Mr. DIGGS. Come on, Mr. Secretary. If we provided you with this information or you admit that you have access to information—we have diplomatic missions in Angola, in Mozambique. We have our people in Lisbon who periodically go down to Guinea-Bissau. We presume to have a cooperative arrangement with Portugal. You mean to tell me that you could not check the credibility of this evidence that comes from so many different sources?

Mr. NOYES. I am not saying we could not check it, I am saying it is not——

Mr. DIGGS. Would you be willing to check the credibility of this information once and for all?

Mr. NOYES. I am not sure——

Mr. DIGGS. Would you be willing to check the credibility of this information once and for all? You just got through casting the cloud on the source of this information. Now we have contacts in these countries. Would you be willing through the resources of the Department of Defense to check the credibility of this information and provide an answer to this committee?

Mr. NOYES. Mr. Chairman, I am reluctant to make a commitment in an area that does not fall under the purview of the Department of Defense.

Mr. DIGGS. Well, if it does not fall under your purview, I would like the citations because we are saying that it does fall within your purview. We are saying that no transaction involving military equipment or the possibility of the end use of military equipment to a foreign country, friendly or otherwise, does not involve in some way the collaboration of the Department of Defense.

We have a Defense attaché in Pretoria; what is it there for?

Mr. NOYES. Mr. Chairman, this is not classified as military equipment. There is no license restriction against such use. I am merely saying that there is no direct responsibility of this Department for maintaining checks on the use of civilian aircraft throughout the world.

Mr. DIGGS. Well, we asked you if you would check the credibility of this information through your sources and your components in all of these areas, and what is your answer to that? Will you check this or will you not?

Mr. NOYES. I will simply have to seek guidance on that matter.

[The information requested follows:]

The 707 transport aircraft possess no military combat characteristics. The policy and trade implications of commercial sales of such non-combat aircraft are entirely within the purview of the Departments of State and Commerce, respectively. The Department of Defense has not been delegated by the President to review the decisions by the other responsible Departments, either before or after the licensing of such exports. Further, we are aware of no restrictions on the sale that would preclude their use in Africa. In any event, questions as to whether there have been Portuguese failures to abide by any conditions placed upon the acquisition of these aircraft would be more properly verified by the Departments of Commerce and State.

Mr. WINN. Mr. Chairman.

Mr. DIGGS. I yield to the gentleman.

Mr. WINN. Mr. Secretary, would you have any records that would show any request by any foreign country that might have purchased 707's or any other commercial airliner from the United States or a special request for certain types of military installations to add to those planes? It is a little hard for me to visualize any use of a 707 other than troop transports. As I understand what you are saying, it is that these have been handled by Commerce or one of the other agencies, not by the Department of Defense.

If they wanted to convert a commercial 707 to a military type plane, would you have any records or requests or purchase orders that you could furnish to the committee?

Mr. NOYES. Had there been any, yes, Mr. Congressman, I am confident that we would have a record of such request. There have been no requests to modify these aircraft or to attach weapons or convert them out of their role as carriers of passengers.

Mr. WINN. Thank you, sir.

Thank you, Mr. Chairman.

Mr. COHEN. If I might make a point, there has been some confusion about the exact role of the Department of Defense in a commercial transaction such as one involving a Boeing 707, and while I do not have the State Department's munitions control list in front of me I suspect that that airplane falls under the commodity control list of the Department of Commerce. I stand to be corrected though.

Either way, however, the Department of Defense acts in an advisory capacity to the Secretary of Commerce if the item being sold is on their list or to the Secretary of State if the item being sold is on theirs, and, as Secretary Noyes mentioned, only as to technical matters. The foreign policy implications of a particular sale, whether it be through the Department of Commerce or through the Department of State, are for the respective Departments to determine.

So even if one were able to verify or not verify the information that you requested, the Department of Defense would be in no position to interpose an objection to the sale on that basis. We simply have not been delegated the authority by the President to make those types of decisions.

Mr. BADER. Not only that, Mr. Chairman, but at the time of the sale the State Department clarified that there was no restriction, as Mr. Noyes has said, against that possible use.

Mr. DIGGS. Well, I would assume that the point that you just made came in the form of some kind of memorandum.

Mr. BADER. It was a press conference, news conference.

Mr. DIGGS. Might we not assume that there is a memorandum in your files with respect to these sales?

Mr. COHEN. If the Department of State chose not to consult with us on a sale, and I can't address this particular one, then the Department of Defense would have little or no record of the transaction.

Mr. DIGGS. But if they did, you would? You would have it?

Mr. COHEN. Well, we would maintain records.

Mr. BADER. To the extent of our statutory requirements, which is to give an opinion on the military role or the military weapon system of any item.

Mr. NOYES. That is why I said earlier that I did not believe, in the case of straight civilian aircraft, our role in such a transaction in the technical advice would have been substantial, if existing at all.

Mr. DIGGS. I will come back to that subject.

If any of you gentlemen wish me to yield at any point, so indicate.

I understand that the program of military grant aid to Portugal is the only direct military grant aid to a Western European country. Is that correct?

Mr. BADER. Mr. Chairman, you are out of our area of expertise. Mr. Noyes is the Deputy Assistant Secretary for the Near East, Africa, and South Asia.

Mr. DIGGS. Well, did I understand that one of the military people here is from the European bureau?

Mr. BADER. Yes, that is correct.

Mr. DIGGS. Well, perhaps he knows.

Mr. BADER. Colonel Bowen.

STATEMENT OF COL. RICHARD A. BOWEN, COUNTRY DESK OFFICE, EUROPEAN REGION, DEPARTMENT OF DEFENSE

Colonel BOWEN. I am here without instruction or preparation and I would prefer not to reply.

Mr. DIGGS. What is your capacity, Colonel? Would you give your name to the committee, please, for the record.

Colonel BOWEN. Yes, sir. I am Col. Richard Bowen, of the U.S. Air Force, and I have the Portuguese desk.

Mr. DIGGS. You have the Portuguese desk at the Department of Defense?

Colonel BOWEN. Yes, sir.

Mr. DIGGS. And you do not know whether or not the military grant aid to Portugal is the only aid to a Western European country?

Colonel BOWEN. I believe I do know but I am not here as a witness.

Mr. DIGGS. Are you refusing to answer the question of the committee?

Colonel BOWEN. No, sir.

Mr. DIGGS. Well, then answer the question. You know; what is classified about that? That is a very simple question.

Colonel BOWEN. I am not competent in that area. My area of responsibility is limited to Portugal, Spain, and Malta.

Mr. DIGGS. Well, what are you doing here at this hearing?

Colonel BOWEN. Well, I came because I have tried to assist in the compilation of the information requested on Portugal, specifically training.

Mr. DIGGS. You know the information but you refuse to give it to the committee. Is that what you are saying?

Colonel BOWEN. No, sir; that is not the case.

Mr. DIGGS. Well, what are you saying? You said a minute ago you knew and then you said you are not competent to answer and then you said you were not called as a witness.

Colonel BOWEN. No, sir. You are asking me for information on other countries in Western Europe and I am sorry, I am just not competent to answer the question in that broad context.

Mr. DIGGS. What do you mean you are not competent? You know or you don't know. Are you saying you don't know, sir?

lary question is, How do you justify this in terms of our NATO policy which is to get these countries to pay for their own defense? How do you justify waiving the requirement that Portugal should pay for the MAAG in terms of our national policy? That is the collateral question.

Mr. NOYES. We will simply have to provide that to you, Mr. Chairman.

(The information referred to follows:)

U.S. MILITARY ASSISTANCE FOR WEST EUROPEAN COUNTRIES

Colonel BOWEN. I don't know specifically.

Mr. BADER. Mr. Chairman, the Department of Defense would be more than delighted to prepare the reply to that question.

Mr. DIGGS. Well, if the answer is yes, of course, then the corollary question is, How do you justify this in terms of our NATO policy? At present Portugal and Spain are the only West European countries receiving grant military equipment and training reportable under Section 620(m) of the Foreign Assistance Act. Austria and Finland received very minor allocations for training only. In the case of Portugal and Spain, this grant aid is one consideration in the continuing availability of bases and facilities. Unlike Spain, however, Portugal's military aid is not actually tied to the agreement for use of host country military bases.

Our military assistance program of \$905,000 for Portugal is a modest one in support of Portugal's role in the NATO common defense effort. It is designed to do several things: It supports NATO-committed forces, primarily in air defense and anti-submarine warfare; it enhances Portugal's NATO capability through training and materiel (mostly spares for previously provided U.S. equipment); and it helps us to maintain some influence with the Portuguese military, an important political force in the country.

Military assistance supplied to Portugal under the program, is exclusively for use in the NATO area. It may not be used in Portugal's African provinces and indeed, is not applicable to those areas, being primarily a training program in anti-submarine warfare and air defense. Thus the assistance provided is compatible with our arms embargo on items for use in Portuguese Africa.

We believe that continuation of this assistance is important to the security of the United States. Authorization to permit continuation of this modest program was granted on December 5, to 1972 via Presidential Determination No. 73-9 under Section 614(a) of the Foreign Assistance Act of 1961 as amended.

Portugal's contribution to support of our Military Assistance Advisory Group in Lisbon was waived for two years by mutual agreement in negotiations for continued U.S. peacetime use of facilities in the Azores. Such host-country contributory payments are made directly to the Treasury Department and do not directly involved the Department of Defense.

Mr. DIGGS. There have been reports of a secret agreement being discussed between the United States and South Africa for the use of naval facilities. South African naval facilities, including the Simonstown base. Is that correct?

Mr. NOYES. Is it correct that there are reports? The substance is not correct, Mr. Chairman, if that was your question.

Mr. DIGGS. Well, what is being discussed?

Mr. NOYES. Nothing is being discussed of which I am aware.

Mr. DIGGS. What consideration has been given to the implications of mutiny on the *Kittyhawk* and other racial incidents in the Navy with regard to possible future contacts with the South Africans and particularly the South Africans?

Mr. NOYES. We simply do not anticipate the use of South African harbors for visits, and it is not clear to me that it bears on the issue of racial problems in the U.S. Navy.

Mr. DIGGS. You don't anticipate any port calls?

Mr. NOYES. We do not, Mr. Chairman.

Mr. DIGGS. To South Africa.

Mr. NOYES. Except in the case of emergency as we have in the past for appendectomies and this kind of thing.

Mr. DIGGS. Could you provide the committee with the report on the port calls that have been made by the Navy to South Africa and Portuguese ports?

Mr. NOYES. Yes, we can provide that.

Mr. DIGGS. For the past 6 years?

Mr. NOYES. We will provide that for you.

Mr. DIGGS. With the reasons and so on.

Mr. NOYES. May I differentiate, to avoid confusion, that there is a difference between the policy with regard to port calls in Portuguese territories and South Africa.

Mr. DIGGS. I understand.

[The information requested follows:]

During the past 6 years U.S. Navy ships have made approximately 30 visits to Angolan ports. Luanda has been the principal port but in February-March 1971 two visits were made to Mocamedes. An approximately equal number of visits (30) have been made to the port of Lourenco Marques, Mozambique. In virtually all instances, visits to these ports were made in conjunction with rotation of Middle East Force destroyers. In almost all cases, these destroyers must refuel at one port, east or west coast, and refuel again at the other, west or east, in order to have sufficient fuel for the onward leg of the voyage. There have been no visits to South African ports since the *USS Franklin D. Roosevelt* stopped in 1967. Since that date U.S. Navy ships have made five emergency stops at South African ports in order to provide expeditious transfer of emergency medical cases:

1. 8 August 1967—*USNS Sword Knot* to discharge an emergency medical case at Durban.

2. 17 November 1968—*USNS Pecos* (A US Navy ship operated by MSTs with a civilian crew) stopped at Capetown to discharge a medical emergency case.

3. 25 February 1969—*USS Luce* discharged an appendicitis case at Port Elizabeth.

4. 6 December 1969—*USS William C. Lawe* discharged a crew member suffering from internal hemorrhage at Luderitz, South West Africa.

5. 8 March 1971—*USS Charleston* discharged an appendicitis case at Capetown.

Mr. DIGGS. You say on page 6 of your statement that the Portuguese officers and men trained in the United States under the Security Assistance program costs an average of a million dollars a year.

Mr. NOYES. That is correct.

Mr. DIGGS. Recent years. How do you justify this?

Mr. NOYES. Simply that this is a contribution to the defense of the United States in the NATO structure. These people are being trained essentially in antisubmarine warfare and air defense and as Portugal's competence in these areas increases, that net contribution to NATO which is derived is of benefit to the U.S. security interests.

Mr. DIGGS. Well, now, in November of 1971 when your agency appeared before the committee it was recorded that the cost of training Portuguese military personnel under our auspices for fiscal year 1972 was \$252,550. All the previous years were supposedly even less than this and 5 years previously the cost was reported at only \$36,734. Now the program is averaging a million dollars annually. Now that is a pretty healthy jump.

Mr. NOYES. Mr. Chairman, the training costs that were listed on the table in the testimony to which you refer were exclusive of MAAG support costs and materiel spare parts, so I think that is certainly a

factor which has distorted the figures to which we are referring, distorted the comparison.

Mr. DIGGS. How about South African and Portuguese military personnel enrolled in the industrial college of the Armed Forces correspondence courses: can you provide that for the record, the details?

Mr. NOYES. I believe there are no such enrollees, Mr. Chairman.

Mr. DIGGS. Well, would you provide that? You can check that.

Mr. NOYES. We have checked it, Mr. Chairman.

Mr. DIGGS. You have checked that?

Mr. NOYES. Yes.

Mr. DIGGS. I understand that Portuguese officers have been studying at the University of Monterey. Is that correct?

Mr. BADER. Did you say Portuguese, Mr. Chairman?

Mr. DIGGS. Yes.

Mr. BADER. I will have to research that one, Mr. Chairman.

Mr. DIGGS. We would like to know at what other universities and colleges that these Portuguese and South African military are present.

Mr. BADER. Portuguese and South African?

Mr. DIGGS. That is right.

And what—

Mr. NOYES. Excuse me, Mr. Chairman. There are none from South Africa. I have the data for the five Army, one Navy, and three Air Force officers from Portugal who were receiving fiscal year 1973 MAP financed training this year. One is at the Command and General Staff School in the Army, one is at Army Signal School, one at Finance School for the Army, one at Brooks Army Medical Center, one at a Naval Engineering Acoustics course, one at Intelligence School for the Air Force, two are in pilot training and one in Squadron Officers' School. The one Navy officer is at the Navy Management Systems Center at Monterey, along with four other Navy officers in courses funded in fiscal year 1972.

Mr. DIGGS. What kind of visa do these officers have when they come here?

Mr. NOYES. I will provide that, Mr. Chairman.

[The information requested follows:]

U.S. VISAS FOR PORTUGUESE MILITARY STUDENTS

Military officers of any NATO country visiting the United States for purposes of attending military training courses obtain NATO-2 visas. In Portugal, visa applications are handled by the consular section of our Embassy in Lisbon.

Mr. DIGGS. On page 7 you undertake to provide detailed information on training that I asked for but it is restricted. We would like information on the basis of the requests of our letter. We want the name, the rank, the serial number of all Portuguese and South African military personnel trained by, or in cooperation with, or through, the facilities of the U.S. Government.

Mr. NOYES. We are pursuing that. There are none from South Africa.

For the Portuguese, the data requested is being compiled by our MAAG at Lisbon.

[The information referred to follows:]

The following listings present, by name, rank, serial number (where applicable), and course of instruction, those Portuguese armed forces personnel who have received training in the US, or abroad, by, in cooperation with, or through the

facilitation of the United States Government during the period fiscal year 1968 through fiscal year 1973. (Serial numbers are not used by the Portuguese Army or Navy.)

The total number of 305 trainees does not include naval crews who received brief familiarization training in conjunction with earlier ship transfer programs. This training was conducted on a crew basis and individual personnel data are not available.

[Committee note: The list is classified confidential and therefore is not reproduced here. It should be further noted that the Department of Defense classified as confidential the response to the question asking the Department to provide "the number of individuals who have already completed such training who have served or are now serving in Africa."]

Mr. Diggs. You say on page 6 that no Portuguese military students have received counterinsurgency training since the early 1960's but I asked about all military personnel, not just students. How many personnel have received counterinsurgency training since 1963?

Mr. NOYES. This is a semantic problem. We mean by this statement no Portuguese military students or any other level.

Mr. Diggs. What about Portuguese military trained by U.S. instructors in West Germany in counterinsurgency? We have information that there are Portuguese being trained by U.S. instructors in West Germany in counterinsurgency. Would you confirm or deny this?

Mr. NOYES. On the basis of our information, Mr. Chairman, there is no such training being given in Germany or elsewhere in Europe.

Mr. Diggs. On the question of MAAG training we understand that General Goodpaster, who is the Commander in Chief of our European Command, has said that MAAG in Lisbon is designed to permit the training of key Portuguese personnel. Is that correct?

Mr. NOYES. I think the statement must mean that the presence of the MAAG, the existence of our assistance program there is one vehicle through which officers receive training but the MAAG's actual function is not a training function.

Mr. Diggs. Well, could we have the details about training provided by MAAG given by or through of all the Portuguese military personnel and including their present assignments?

Mr. NOYES. I think we are providing that. I would like to just comment though that the principal purpose of the MAAG I think relates to something of great importance to the subcommittee's interest: namely, to check on the use of the items and equipment which the United States is providing, as in all countries, to see they are being properly used but in this particular case to see that they are there and they are not going on to other places where they are not authorized to go; that is, to Africa.

Mr. Diggs. Well, we would like to have that for the record so we can make our own judgment in that context.⁷

Have there been any recent consultations between the staffs of Portuguese and American military training institutions?

Mr. NOYES. We know of no particular—

Mr. Diggs. We have reports about a meeting in Lisbon between instructors from our Government or from our country and Portuguese insurgency schools.

Mr. NOYES. We have no such information. We will check.

⁷ See p. 107.

Mr. Diggs. That will be easy enough.
[The information requested follows:]

PORTUGUESE COUNTERINSURGENCY SCHOOLS

As stated, the Department of Defense has no reports of such conversations. We have since checked this allegation with our Military Assistance Advisory Group personnel in Lisbon; and they have confirmed that there is no foundation for such reports.

Mr. Diggs. How many military attachés are there now in South Africa?

Mr. NOYES. Just one moment, Mr. Chairman.

Would you like us to read it?

Mr. Diggs. Provide it for the record. It is not that many, is it?

Mr. BADER. Just South Africa, Mr. Chairman?

Mr. Diggs. That is right.

Mr. NOYES. We have one for Army in South Africa, two air attachés, two Navy, a total of seven enlisted men.

Mr. Diggs. How many military personnel do we have in so-called Portuguese South Africa?

Mr. NOYES. There are no U.S. military personnel in Portuguese Africa, Mr. Chairman.

Mr. Diggs. You have had attachés visit, of course, these Portuguese colonies from other areas?

Mr. NOYES. We have.

Mr. Diggs. Have they come down from Lisbon? Is that correct? I had a military man accompany our group down when we went to Guinea-Bissau. They are not stationed there but they make frequent trips.

Mr. NOYES. Yes.

Mr. Diggs. How frequent are they? Could we have a list of these attaché visits?

Mr. NOYES. I have supplied this, Mr. Chairman.

Mr. Diggs. You have.

And their purpose, was that included? The purpose of these visits.

Mr. BADER. The purpose when different from just the normal attaché visit, such as the time they provided escort for you or Ambassador Knight, was designated, yes, Mr. Chairman.

Mr. Diggs. For example, do they check the end use of NATO equipment sold to Portugal?

Mr. NOYES. Well, it is the job of the MAAG in Portugal to check that. The attachés would not be checking specifically on the end use of equipment because we know it is not NATO supplied equipment, that is, U.S. equipment supplied for NATO is not in the Portuguese Africa territory; so that would not be the purpose of their visit to the Portuguese territory.

Mr. Diggs. Well, you have some guidelines for these defense attachés, do you not? They are not just there.

Mr. NOYES. We do, Mr. Chairman.

Mr. Diggs. Do you have a record of these guidelines with you?

Mr. NOYES. No, we do not.

Mr. Diggs. Would you provide for the record the guidelines for your defense attachés in South Africa and for these defense attachés that come into Portuguese Africa from Lisbon presumably. I don't

know where else they may come from. Do they come from Pretoria, too, sometimes?

[The information referred to follows:]

GUIDELINES FOR DEFENSE ATTACHÉS

Defense Attachés assigned in South Africa and Portugal by the Director, Defense Intelligence Agency, are specifically tasked to perform the following primary functions:

1. [Security deletion.]
2. To perform representational functions on behalf of the Secretary of Defense, the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Chiefs of the Services and the Commanders of Unified and Specified Commands.
3. To serve U.S. Ambassadors by providing armed forces attachés on Embassy staffs.

The Defense Attachés in South Africa do not travel into Portuguese Africa.

The U.S. Attachés assigned to Lisbon, Portugal, do not visit Portuguese Africa on their own initiative or alone. The Portuguese Government invites the foreign attaché community in Lisbon to visit one province in Portuguese Africa annually and normally several U.S. Attachés will make the tour. The last visit occurred in April 1972 when the Defense Attaché and Assistant Army Attaché visited Portuguese Guinea for two days accompanied by their Portuguese military hosts and other foreign attachés.

Mr. Diggs. Now, on page 5 of your statement on defoliants, you say that the Defense Department has not provided any. I don't think that anybody has suggested that the Department of Defense was providing defoliants. What we are talking about is the licensing of private supplies. We note that exports of herbicides to South Africa and Portugal from the United States has increased dramatically. In particular, the Commerce Department statistics show that exports of 2,4-D and 2,4,5-T to South Africa were worth—now these are from the Commerce Department—\$354,000 in 1971. We also know that these two chemicals were widely used in Vietnam, that their use was discontinued because of danger to humans.

As a matter of fact, the Army banned the use of Agent Orange which is a mixture of these two. They banned the use of Agent Orange in Vietnam after the Surgeon General in an administrative decision limited the domestic use of that compound, and new limitations imposed on herbicide use in Vietnam were announced in December of 1970, December 26 to be exact, and February 22 of 1971. We are also informed that these two chemicals are being extensively used in Angola, causing great human suffering. In a sense, the U.S. supplies which require validated licenses are going to southern Africa. The reasoning behind your claim that there is no basis to protest Portugal's use of herbicides in Africa is rather amazing.

I would like to know if you have any further comments in view of that information that is provided.

Mr. NOYES. Mr. Chairman, the Department of Defense would have no basis to protest Portugal's use. I am not talking about the other broader issues that are certainly involved here.

Mr. Diggs. Well, that is what is in your statement. Now if you wish to revise it, we will provide that opportunity because that is exactly what is there.

Mr. NOYES. By "we" I mean the Department of Defense in the statement. I would like to clarify that for the record.

Mr. Diggs. Now there were some other questions on page 4 of my letter on this matter of herbicides that we do not think have been adequately answered: namely, "Has the Department participated in any

decision to declassify any herbicides or defoliants in the past 5 years?"

Mr. NOYES. Mr. Chairman, no herbicides to my knowledge have been classified. There are some that have been included on the munitions control list. At one time in 1969 this list contained three different antiplant items. During January 1970, in considering a request from Monsanto involving the technical assistance agreement of an antiplant item to Malaysia, the question was raised on the matter of retaining the three antiplant items on the munitions control list. The rationale for elimination of these items was that they were obtainable on the commercial market. DOD agreed to the elimination of the antiplant items. The Department of State Office of Munitions Control decided to retain the current antiplant item butyl 2-chloro-4-fluoresphenx-4 acetate on the list. Portugal was on the control list.

Mr. DIGGS. Now you say that Portugal manufactures herbicides. Which ones? Which ones do they manufacture?

Mr. NOYES. I don't know the chemical breakdowns, Mr. Chairman. We will try to provide that.

Mr. DIGGS. Give us access to that information.

[The information requested follows:]

PORTUGUESE MANUFACTURED HERBICIDES

We have information that Portugal manufactures at least five herbicides in quantity. The Department of State is compiling further information on this subject for presentation to the Sub-Committee in later hearings.

Mr. DIGGS. Does any company in Portugal, apart from the Dow Chemical Corp., manufacture herbicides?

Mr. NOYES. I don't know that, Mr. Chairman.

Mr. DIGGS. Mr. Secretary, you said when last you appeared before the committee in November 1971 at least that the Air Force tracking station employs nine South African whites and two South African blacks. Is that still the case?

Mr. NOYES. I believe that is still the case, Mr. Chairman.

Mr. DIGGS. We put out a questionnaire of course to try to obtain the information in relation to this station. We would like you to answer the questions that were referred to in our statement to the business people. We put out a general questionnaire that was sent to all private U.S. business in South Africa and there were some questions relating to the station. We would like to get your answers to this because we want to know about the rate of pay received by these two black laborers as compared with the whites.

Mr. NOYES. We did provide that last year, Mr. Chairman.

Mr. DIGGS. This is a revised questionnaire.

Mr. NOYES. We will reexamine it in light of your question.

[Pan American World Airways, Inc., and the RCA Corp. each replied to the questionnaire. These replies are in the appendix, beginning at p. 350. In addition, the following information was supplied by the Department of Defense for inclusion in the record:]

There are presently seven South African whites and two South African blacks, employed at Station 13. The pay scale breakdown is:

	<i>Hourly wage</i>
Site supervisor (white)-----	\$7. 07
Four utility operators (journeyman) (white)-----	1. 75
One facilities maintenance specialist (white)-----	1. 47
One supply technician (white)-----	1. 49
Two roads and grounds maintenance (black)-----	1. 04

Mr. DIGGS. Does the contract with Pan American and RCA contain any clause relating to equal employment provisions.

Mr. NOYES. They contain the standard clauses on those matters.

Mr. DIGGS. How many employees has Pan American sent to the tracking station since the contract was signed?

Mr. NOYES. We would have to provide that.

Mr. DIGGS. Would you provide that for the record. How many of these were black? How many did RCA send and how many of these were black?

Mr. NOYES. We will have to provide that, Mr. Chairman.

[The information requested follows:]

Since 1961 Pan Am has sent 18 personnel and RCA has sent 125 personnel to the tracking station. None of these was black.

Under the existing contractor employment system, personnel apply for specific openings at the Eastern Test Range and no U.S. black has ever applied for an opening at Station 13.

Mr. DIGGS. Is Pan American or RCA responsible for hiring local employees?

Mr. NOYES. The subcontractor RCA would be the responsible party, Mr. Chairman.

Mr. DIGGS. What payment is made by the South African Postal Service, which is a commercial service, for the use of the facilities at station 13?

Mr. NOYES. I am not aware of any payment, Mr. Chairman.

Mr. DIGGS. Well, this is a commercial service, this is not a Government service. This is a commercial service. Are we just giving away our facility's use up there?

Mr. NOYES. My assumption would be that the arrangement would be in recognition of our being allowed to have the facility there but I would like to check this before—

Mr. DIGGS. How many of these post office employees are working at the station?

Mr. NOYES. None.

Mr. DIGGS. There are no post office employees working at the station? Why is the South African Postal Service using it and they don't have any postal employees up there? What are they using the tracking station for: postal work?

Mr. NOYES. It is simply the antenna which provides—

Would you like to comment on this?

Mr. BADER. Mr. Chairman, as I think we testified last year the antenna has a wire lead that runs off of the facility and the Postal Service office uses that. There are no South African postal people on the premises.

Mr. DIGGS. A wire lead off—would you elaborate on that further? I am trying to understand.

Mr. BADER. Well, in laymen's terms, the only way I can describe it is they plug into the facility through a wire.

Mr. DIGGS. They plug in for—

Mr. BADER. They tap in through remote controls for the use of an antenna. You physically don't have to be there. The Post Office Department uses two transmitters, two receivers. These are located outside the station and are connected by landline wire, and the post office personnel are not located on station 13.

Mr. DIGGS. What is it? What does it transmit, this wire?

Mr. BADER. Well, they are using it for communications, Mr. Chairman.

Mr. DIGGS. Why do they have to use our facilities for that? That is what I am trying to understand.

Mr. BADER. Well, I don't know why they would have to. I would be certainly happy to look into it.

[The information requested follows:]

They make use of the two transmitters and two receivers during periods when our own needs are limited, in order to supplement their existing capacities for commercial radio and telegraphic communications. They are able to make use of this equipment and the Station 13 antennas by means of landlines from locations outside and remote from Station 13 itself, without the need for any of their personnel to be at the site. Their use of these facilities is made with the understanding they remain available for priority use by the U.S. whenever required.

Mr. DIGGS. They are not paying anything for it. We just permit them to come up there and plug in and they use it for reasons that appear to escape you at this moment and that is about all you know about it?

Mr. BADER. Well, no, Mr. Chairman.

Mr. DIGGS. It is rather odd. I mean this is a——

Mr. BADER. We told you the same thing last year, Mr. Chairman. During the period when the facilities are not being utilized as fully as in the past we allow these two departments, organizations, to utilize some of the facilities.

Mr. DIGGS. Does station 13 still play a role in our missile space program?

Mr. NOYES. Yes; it does, Mr. Chairman.

Mr. DIGGS. Has its mission changed or been modified in any substantial way since the last time we discussed this subject?

Mr. NOYES. No; it has not, Mr. Chairman. It is still in a quiescent phase as far as the space program is concerned. It is devoted now primarily to the Navy geodetic functions which I referred to in my statement, although it was reactivated temporarily in November 1972 to support a Department of Defense space shot.

Mr. DIGGS. What intelligence information is included in what we call our NATO responsibilities to Portugal? Is it limited to information originating north of the Tropic of Cancer?

Mr. NOYES. Any NATO intelligence exchanged of that kind would limit itself to the NATO area. In an open session I cannot comment in detail on the kinds of NATO intelligence exchanges that take place.

Mr. DIGGS. We are particularly interested in knowing about the exchange of intelligence as it relates to these African territories.

Mr. NOYES. I don't believe, Mr. Chairman, it would relate to the African territories. Now presumably if one NATO country wanted to have a bilateral separate exchange of intelligence in connection with a non-NATO part of the world they presumably do so but the NATO framework would not include that kind of non-NATO topic.

Mr. DIGGS. Well, you are saying that there is no transmission to the Government of Portugal of information obtained by our Government or through U.S. telecommunication installations in Africa directly or indirectly?

Mr. NOYES. There is no transfer under the NATO framework. I am saying that, yes.

Mr. DIGGS. Just through telecommunication installations or any other source of transmission between our two Governments directly or indirectly.

Mr. NOYES. There is none of which I am aware, Mr. Chairman.

Mr. DIGGS. Of which you are aware?

Mr. NOYES. That is correct.

Mr. DIGGS. There may be some, you just are not aware of them: is that it?

Mr. NOYES. I would say if there were any, I would be aware of it.

Mr. DIGGS. You would not?

Mr. NOYES. I would be.

Mr. DIGGS. Well, the South African Minister of Defense in an address before their parliament said, "We have our methods by which we remain informed of the most recent approach of the territory's onslaughts in the world." And it is not idle speculation that many responsible people believe that there is an exchange of information between elements of our Government and the Portuguese and the South Africans with respect to these matters in those areas in particular where we may be and the South Africans and the Portuguese may not be. You are saying that you are unaware of any such exchanges taking place?

Mr. NOYES. That is correct, Mr. Chairman. I am certainly aware that there is speculation on the subject but it is not accurate.

Mr. DIGGS. Is there a possibility that where validated licenses are granted for items normally embargoed that there could be an Ex-Im Bank financing involved in some way?

Mr. NOYES. Validated licenses for—I didn't quite understand.

Mr. DIGGS. Is there a possibility that where validated licenses are granted for items that are normally embargoed that there could be an Ex-Im Bank financing involved?

Mr. NOYES. If the items are embargoed, they would not be going in the first place. I don't understand. Therefore, they would not be getting Ex-Im Bank financing. Perhaps I am misunderstanding the question.

Mr. DIGGS. Well, we are getting into a discussion here of the aircraft sales to South Africa. How many aircraft have been sold to the military in terms of the decision announced by Secretary Newsom in Chicago on September 17 that the U.S. Government would allow the sale of so-called executive-type aircraft to the South African military? We would like to know about this aircraft.

Mr. NOYES. Mr. Chairman, I believe first of all that Secretary Newsom's statement was an illustrative example of a hypothetical type of thing that might be undertaken but there has been no such undertaking.

Mr. DIGGS. There has not been any sold within that context you are saying?

Mr. NOYES. Again I would like to reiterate that kind of transaction would not be under the purview of the Department of Defense.

Mr. DIGGS. What kind of penalty would be invoked in the case of an infringement of this policy either in South Africa or Mozambique?

Mr. NOYES. Mr. Chairman, again any question of penalties regarding a sale or an infringement would fall under the purview of the Department of State.

Mr. DIGGS. Are you aware of the operation of the South African air commandoes?

Mr. NOYES. I have seen references to this, Mr. Chairman.

Mr. DIGGS. What information do you have? What do you understand to be their mission?

Mr. NOYES. I assumed you were referring to the dispersed small privately owned aircraft, or are you—

Mr. DIGGS. The same kind of aircraft that we say has no end use in military. That is what the South African air commandoes are. It is a group of people who own private aircraft in South Africa that is convertible for military use, and they have formed this group principally for that purpose. It all ties in with the line of questioning. You know, we talk about so-called private aircraft sales and they end up in the hands of these people who are part of the South African air commando group. Then, you know, we are kidding ourselves if we think that this kind of a coverup is fooling anybody on the outside.

Mr. NOYES. Mr. Chairman, I have not denied that civilian aircraft can be used in various capacities, in various military related capacities.

Mr. BIESTER. Would the chairman yield?

Mr. DIGGS. I yield to Mr. Biester.

Mr. BIESTER. Perhaps this might be a good point in the record to at least give me some help in setting this in some perspective.

South Africa has an air force. Am I correct about that?

Mr. NOYES. That is correct, Congressman.

Mr. BIESTER. Do they have jet planes?

Mr. NOYES. They do, sir.

Mr. BIESTER. What kind are they?

Mr. NOYES. One moment, please.

Mr. BIESTER. Surely.

Mr. NOYES. I believe they have their own aircraft but—

Mr. BIESTER. You don't know the name of it?

Mr. NOYES. I don't have it at the tip of my tongue.

Mr. BIESTER. Could you give me some idea of what aircraft it is similar to?

Mr. NOYES. I believe it is a Mirage-type aircraft.

Mr. BIESTER. And within some range, how many such Mirage type jet planes do they have?

Mr. NOYES. It is several, it is a substantial—for the purposes of an open hearing, Mr. Congressman, may I say they have a substantial number.

Mr. BIESTER. My impression is that there is a substantial number. Would I be correct in that?

Mr. NOYES. Yes.

Mr. BIESTER. Do they have bombers?

Mr. NOYES. They have a small number of bombers.

Mr. BIESTER. Are they prop or jet?

Mr. NOYES. They have jet equipment.

Mr. BIESTER. Are they also their own make bomber?

Mr. NOYES. I believe no. The South Africans have purchased bombers from European countries.

Mr. BIESTER. Thank you, Mr. Chairman.

Mr. DIGGS. It appears that three Rockwell International Shrike Commanders and one turboprop Aero Commander convertible to aerial photography was sold to northern Mozambique last year. Was the conversion kit also licensed?

Mr. NOYES. Again, Mr. Chairman, this kind of licensing would not come through the Department of Defense.

Mr. DIGGS. You are not aware of Rockwell's sales?

Mr. NOYES. This simply would not be under our Department.

Mr. DIGGS. Or whether they are negotiating for any further sales or licensing?

Mr. NOYES. I am not aware of that.

Mr. DIGGS. Now, the Portuguese annual military report for 1972 says that its network of 150 landing strips and 30 airfields in the northern part of Mozambique for combat and for remote control over the area is nearing completion. Now one would think that this would make some kind of difference about our willingness to license the sale of aircraft to Mozambique because obviously this information, right out of their own report, indicates the end use. Would you agree with that?

Mr. NOYES. That certainly would be a factor that would be considered. Of course Portugal does have its own fairly ample air assets in use in Africa apart from the question of purchases they have made in addition or in the future.

Mr. DIGGS. Do you know if Sikorski S-62's—that is, amphibious helicopters—have been sold to Portugal or South Africa?

Mr. NOYES. I have seen no such reports, Mr. Chairman.

Mr. DIGGS. Hughes 500 helicopters?

Mr. NOYES. Likewise, I have no—

Mr. DIGGS. Well, that is easy enough to find out, is it not?

Mr. BADER. You are talking about commercial helicopters?

Mr. DIGGS. Yes. This Hughes helicopter was used extensively in Vietnam as you may recall.

Now in 1965 our Government denied the sale of Lockheed's Orion and refused to license essentially U.S. componentry for this Anglo-French Atlantique. Is that approximately correct?

Mr. NOYES. I believe that is correct.

Mr. BADER. You are asking whether or not the U.S. Government refused the sale of the Atlantique—

Mr. DIGGS. In 1965.

Mr. BADER. In 1965.

Mr. DIGGS. They denied the sale of the Orion and the Anglo-French Atlantique.

Mr. NOYES. I don't believe, Mr. Chairman, the Atlantique was under consideration at that time but the Orion sale was denied.

Mr. DIGGS. Could you tell us the approximate value of all goods and services provided to South Africa and Portugal for use in Africa under contracts preexisting the arms embargo?

Mr. NOYES. Could you repeat the question, Mr. Chairman?

Mr. DIGGS. Goods and services provided to South Africa and Portugal for use in Africa under contracts preexisting the arms embargoes.

Mr. BADER. You are referring, Mr. Chairman, to military items that would come under the purview of the Department of Defense?

Mr. DIGGS. Well, yes.

Mr. NOYES. We will provide that, Mr. Chairman.

Mr. DIGGS. Do you have any idea of the approximate value of this matter? For example, Lockheed alone has sold South African defense forces \$23.7 million worth of goods and services for C-130 aircraft through fiscal year 1971. Now, that is from DOD hearings, volume 2, page 112. So you know we are talking about something rather substantial, and we want for the record the details of these licenses for goods and services—licenses granted under these preexisting contracts and their total value by year since the beginning of the embargo.

Mr. NOYES. We will provide that, Mr. Chairman.

[The information requested follows:]

Goods and services provided to South Africa under contracts preexisting arms embargo (delivered prior to June 30, 1964)

<i>Service and item</i>	<i>Value</i>
Army: Weapons, spares, ammunition-----	\$289,352
Navy:	
Ammunition and components-----	2,044,751
Missiles, support equipment-----	502,816
Ship spare parts-----	218,960
Communications-----	27,571
Total-----	3,083,450

Goods and services provided to Portugal for use in Africa under contracts preexisting arms embargo

There were no goods and services provided to Portugal for use in Africa.

Mr. DIGGS. On page 2 of my letter, I ask for the specific language of the provisions prohibiting the use of U.S.-NATO weapons in relevant bilateral agreements with the Portuguese. Would you provide that?

Mr. NOYES. We will, Mr. Chairman.

[The information referred to follows:]

LANGUAGE PERTAINING TO ARMS TRANSFERS TO PORTUGAL

The Mutual Defense Assistance Agreement between the U.S. and Portugal, TIAS 2187, of January 5, 1951, governs grant assistance to Portugal. Article I provides as follows: "Each Government undertakes to make effective use of assistance received pursuant to paragraph 1 of this Article (a) for the purpose of promoting an integrated defense of the North Atlantic Area, and for facilitating the development of defense plans under Article 9 of the North Atlantic Treaty, and (b) in accordance with defense plans formulated by the North Atlantic Treaty Organization recommended by the North Atlantic Treaty Defense Committee and Council, and agreed to by the two Governments. Neither Government, without the prior consent of the other, will devote assistance furnished to it by the other Government to purposes other than those for which it was furnished."

In addition to the provisions of the agreement cited above, the following clause is inserted in the agreement of offer and acceptance for individual transactions: "Materiel purchased under this case will be used only within the NATO Defense Area as described in Article 6 of the North Atlantic Treaty."

This same assurance is contained in letters of request for procurement of U.S. military equipment, even from third country sources, submitted to the U.S. Government by the Government of Portugal.

Mr. DIGGS. On page 3, we would like more specific answers. Is it possible for Portugal to purchase or obtain U.S. arms from South Vietnam?

Mr. NOYES. Mr. Chairman, I can only say that all the same criteria to which I have referred in the statement would apply to sales from Vietnam.

Mr. DIGGS. You stand on those guidelines?

Mr. NOYES. Yes, Mr. Chairman. There are no waivers or special removal of conditions or special circumstances that would pertain to excess in Vietnam. In other words, it is not a means whereby the embargo could be circumvented.

Mr. DIGGS. I understand that U.S. G-3 rifles are made in Portugal under license. The question is, does the license restrict their use to Europe?

Mr. NOYES. Mr. Chairman, my impression was that that rifle is not a U.S. rifle.

Mr. DIGGS. Can one of the military answer that?

Mr. NOYES. We will have to check.

Mr. DIGGS. Provide it for the record, because we would like to have the exact wording of the license provisions in this situation.

[The article referred to follows:]

PORTUGUESE-MANUFACTURED G-3 RIFLES

In checking, we have determined that the G-3 rifle manufactured in Portugal is not of U.S. design, and we have no knowledge of licensing arrangements which would restrict its use to the European area.

Mr. DIGGS. Has ITT applied for an export license? We understand that ITT would like to sell large amounts of communication equipment to the South African military. Have they applied for license?

Mr. NOYES. We are not aware of any such application. Mr. Chairman. They would not apply to us, to the Department of Defense. The application would be made to State and, or Commerce.

Mr. DIGGS. I have an article here from the Armed Forces Journal where Rockwell International is advertising the Crotale, is it, or the Cactus missile, in other words, for use by the Army. This is a missile developed in South Africa, as you know, in cooperation with the French, and, of course, a purchase by our Government or by our military would just be a blatant violation of the arms embargo. I just wonder what is the intention of our Government with respect to the purchase of this missile?

[The article referred to follows:]

[From the Star, July 15, 1972]

CACTUS CONTRACT: TESTS FIRST

(The Star Bureau)

New York.—North American Rockwell Corporation, one of the biggest armaments makers in the United States, announced this week that it had signed an agreement with a French company to produce the Cactus missile system—if it is adopted by the U.S. Army.

The ground-to-air missile system, developed jointly by South Africa and France, is being tested by the U.S. Army, together with a British missile and a West German missile which are somewhat similar.

An Army spokesman said in Washington this week that it had not yet been decided whether to adopt the Cactus system—known in France as the Crotale—or any of its rivals.

The agreement for possible U.S. production of the Cactus was signed in Washington by North American Rockwell and Thomson CSF, the French company that helped develop it.

DEFENCE TASKS

It is understood that representatives of both firms have had discussions with the French Defense Minister, Mr. Michel Debre, who is in Washington for talks on military co-operation between the U.S. and France.

It could not be ascertained, however, whether the Minister discussed the Cactus system with U.S. Government officials.

A statement by North American Rockwell quoted Dr. James F. Reagan, president of the company's missile systems division, as saying that the U.S. Army was expected to announce early next year its decision on further testing of the Crotale system, "with U.S. production possible in the mid-1970s."

LACK OF FUNDS

However, the Army spokesman told this bureau that there were no funds in the current army budget for further work on the Crotale.

According to Dr. Reagan, the Cactus missile is "the most cost-effective system available for meeting future low-altitude air defence requirements of the U.S. Army."

The Rockwell statement said the Cactus was designed and developed by Thomson CSF, and made no mention of South Africa's involvement. But in response to questions at a Press conference company officials acknowledge that South Africa had shared in its development.

BIG SAVINGS

Dr. Reagan claimed significant savings would be made by using the proven Cactus design and converting it to a U.S. system.

"The cost of converting the Crotale for U.S. production methods will be only a fraction of the hundreds of millions of dollars required to develop a new U.S. system," he added.

Primary elements of the system were successfully tested last year by the U.S. Army in New Mexico and Alabama, according to the Rockwell statement.

Mr. NOYES. The U.S. Army purchased a few of these missiles for testing. There has been no large-scale purchase for the sake of using the weapons in our inventory.

Mr. DIGGS. How many have we purchased?

Mr. NOYES. \$1.4 million. I don't have the actual number of missiles.

Mr. DIGGS. You will provide that?

Mr. NOYES. I will provide that.

[The information requested follows:]

CROTALE MISSILES

The Department of the Army contract with Thomson/CSF of France included five Crotale missiles which were fired during testing. An additional missile was obtained on loan for static tests. Upon completion of the static test, this 6th missile was returned to the Thomson/CSF Company.

Mr. DIGGS. Now, here we are talking about an arms embargo, and the Armed Forces Journal is advertising this Cactus missile. It certainly would raise a lot of speculation about our intentions or the seriousness of our intention with this whole matter. I don't know—this Armed Forces Journal, what is that? Some private publications? Does the Defense Department have anything to do with it?

Mr. BADER. The name of the magazine, Mr. Chairman, is what?

Mr. DIGGS. Armed Forces Journal.

Mr. NOYES. I would have to check that, Mr. Chairman. It is, of course, a commercial advertisement.⁵

Mr. DIGGS. You refer on page 3 to our diplomatic representatives in southern Africa following up on alleged violations. We wonder why MAAAG personnel when they make these field trips, since they have the expertise, why they don't have some responsibility for end-use

⁵ The Department of Defense advises that the Armed Forces Journal is a strictly commercial publication which is financed by its advertisers and it has no connection with the Department of Defense or the military services.

checking. If they don't, I am not sure that our diplomats over there can tell the difference between one aircraft and another until it is used. Certainly the MAAG people could, the military people could. Why don't they have this as part of their responsibility?

Mr. NOYES. Mr. Chairman, the MAAG people in Portugal have responsibility for the end-use checks on our equipment in Portugal itself. I think you probably would be discontent, as we would, if we had a military advisory group making extensive and frequent visits in the Portuguese territories of Africa. The checks that are made on alleged violations usually consist of a bomb fragment or a piece of an airplane or something of this sort which presumably comes back to this country or goes to a technical laboratory elsewhere for examination. So the typical MAAG end-use investigation role would not pertain in the context of field trips in the African territories. When an alleged violation is reported or perhaps in the course of an attaché visit, in whatever context it may arise, then appropriate action is taken.

Mr. Diggs. But there is nothing that prohibits you from doing this, from giving that assignment to—you know, I have been out in the field and I have been in those various territories, and they are not so pre-occupied when they go into these countries that they cannot do this kind of checking. These military attachés are there for really the purpose of providing some sense of communication with a military government—it is felt that for public relations purposes, it is important to have. They are not all that busy that they cannot undertake to do these sorts of things. That is a real plush assignment, to be a military attaché in one of these kinds of countries that I am talking about.

Mr. NOYES. Mr. Chairman, I think what I was trying to do was differentiate between what you first referred to as a MAAG function. I am responding as to why the MAAG from Portugal could not set up an investigation system in Angola and Mozambique, and I am saying that their function by all descriptions and definitions confines them to the country where they are. The attaché and our diplomatic representatives are the appropriate people to follow up on reported violations in Africa.

Mr. Diggs. Well, I am well aware of the difference between the two but I still do not find satisfactory the answers that have been provided for the use of MAAG people.

You talk about following up cases. Just tell me how many cases that you know of, and of course you could provide the exact amount for the record, that have been followed up since 1963 and more specifically what are the procedures? When you talk about our diplomatic representatives following up alleged violations, what kind of guidelines are provided for that?

Mr. NOYES. Mr. Chairman, we have had numerous accusations since the time of the embargo. There have been bomb and shell fragments, fuses, napalm canisters, various parts of aircraft—all supposedly of U.S. origin, postembargo or what have you. These have been from the reports that have come to our attention. We have obtained access to these fragments or parts and they have been given technical evaluation in an appropriate laboratory. The findings in all cases have been that these were not of U.S. origin or that they preceded the period of the embargo. Much of this of course was World War II equipment that was available throughout the world in an open market in effect.

Mr. Diggs. Well, now, what is the basis upon which you follow up? Suppose you were provided or read about a press report? We have these. Suppose one of the liberation groups or others, some people at the U.N. or any other person, would make an official complaint that they found napalm containers after a raid which had the markings of U.S. manufacturers on them or that they saw other kinds of evidence. Who do they complain to and what constitutes what you consider to be the kind of complaint that you would follow up on?

Mr. NOYES. Mr. Chairman, our policy has been and it remains that we stand ready to examine any allegation at any time from any source. As a specific example, in September of 1972 the U.S. Embassy in Lusaka reported an allegation by the Angolan liberation group of a cardboard canister container found in Angola with some markings that seemed to indicate a possible U.S. origin of the items used.

The liberation group had reported this to the press. The canister was empty but the full details of the markings plus a photograph were sent through the Departments of State and Defense to Army for full investigation. Investigative agencies included the U.S. Army Foreign Science and Technology Center and the U.S. Army Ammunition and Procurement Supply Agency.

The conclusions drawn from both agencies were that the mortar shell from the cardboard canister container was not of U.S. manufacture and secondly that the marking about the fuse referred to the type of fuse incorporated in the mortar shell. The fuses were most probably acquired (1) second or third hand from surplus arms merchants worldwide which are beyond direct U.S. control; (2) from a foreign manufacturer formerly producing the fuse under U.S. licenses now expired; or (3) possibly of U.S. origin acquired by Portugal prior to imposition of the U.S. embargo in 1961.

So this is simply an example of the kind of thing you requested.

Mr. Diggs. On page 4 of your statement is this question of the munitions list items sold to third countries. Do you approve the transfer to Portugal, for example, of munitions list items sold to third countries? In practice is there any restriction in the license on their use in Africa?

Mr. NOYES. Munitions list items that are the responsibility of the Department of State.

Mr. Diggs. Do you approve of the transfer of these items to Portugal from third countries? Does the Department approve of it?

Mr. BADER. That is reviewed by the Department of State against the same criteria, Mr. Chairman, as if the item originated in this country. If it is a U.S. manufactured product it is reviewed against the same criteria as if it originated here directly.

Mr. Diggs. What about military technology? Is that subject to validated license control?

Mr. COHEN. Yes, it is. The State Department munitions control list includes a section on technology.

Mr. Diggs. Is it under embargo to Communist countries?

Mr. BADER. What item, Mr. Chairman?

Mr. Diggs. Any item.

Mr. NOYES. It is a case-by-case basis, Mr. Chairman. It is rather difficult to get across the board.

Mr. Diggs. I understand that it is not embargoed to South Africa. Is that right?

Mr. NOYES. Technical information? That is not correct, Mr. Chairman.

Mr. DIGGS. Not embargoed to Portugal, there is no restriction?

Mr. COHEN. If the technology were openly available, for example if it were published, of course then the list's restrictions would not apply because the recipient countries could obtain it under other circumstances. They would apply only to technology which is either classified, unpublished, or is not otherwise available outside the United States.

Mr. DIGGS. Now I noted that the field tour of the National War College in April of last year went to not only Senegal, Ethiopia, Uganda, and Guinea-Bissau but it also went to Mozambique.

Mr. NOYES. That is correct, Mr. Chairman.

Mr. DIGGS. Were these other countries informed about Mozambique being included in this tour?

Mr. NOYES. All the War College tours proceed on an open itinerary that is public information.

Mr. DIGGS. Well, what does that mean? Do they really know they are there?

Mr. NOYES. Yes. There would be no——

Mr. DIGGS. You take a very dim view of being a part of any tour that included Mozambique.

Mr. NOYES. Mr. Chairman, I think the effort to try to hide a visit of that kind would be most foolish.

Mr. DIGGS. Well, we are not talking about hiding it. Why don't we omit it?

Mr. NOYES. Well, that is another question.

Mr. DIGGS. What about our 1973 tour, who is included in that? Do we have Mozambique included?

Mr. BADER. No, we do not, Mr. Chairman.

Mr. NOYES. I would think it would be frankly, Mr. Chairman, in the interest of many of the issues about which the subcommittee is deeply concerned, that we would have awareness on the part of our War College people of what is going on, what the issues are in Africa. I myself would feel there is utility to their visiting.

Mr. DIGGS. There we are back in that old communications thing again because, sure, their going to Senegal and all the rest of these places is very useful, but we have been sitting here now for 3 hours and I don't really get the impression that the Department really understands the sensitivities that are involved in this whole Southern Africa complex.

Now if you think it is educational for people who are attending the National War College to go into Mozambique and that it is going to in some way affect people, affect our policy in some fashion if they are going to come back and be influenced by what they see, to that extent offsetting what other people would view as communication with the other end, then I think that you know we have been wasting time here this afternoon to a large extent beyond direct questions that are involved.

You talk about their interest in matters that are of concern to this committee. I don't know whether they are or not. I don't know what goes on in these National War College tours. I don't know what the criteria might be. I don't know.

Do you have any black officers or any black Americans, blacks, involved in these tours at all?

Mr. NOYES. I would assume there would be.

Mr. DIGGS. Since last year?

Mr. NOYES. I would assume so. I would have to check.

Mr. DIGGS. But you don't really know?

Mr. NOYES. I have no specific answer.

Mr. DIGGS. Well, we would like again for the record a list of all visits by U.S. military personnel, DOD, CIA to South Africa and these territories and Rhodesia. Do you know if there have been any military or Defense personnel, for example, who visited Rhodesia in the last 5 years?

Mr. NOYES. There have been no visits to Rhodesia by DOD personnel within the last 5 years, Mr. Chairman.

[The following was subsequently submitted for inclusion in the record at this point:]

Visits by Department of Defense and U.S. military personnel to the Republic of South Africa, excluding U.S. military attachés assigned there, are limited as a matter of policy, primarily to military airlift command flights, visits for inspection and maintenance of attaché aircraft and periodic visits in support of the USAF tracking station at Pretoria. Cumulative records of such visits, however, are not maintained.

A list of U.S. Department of Defense and military personnel visits to the Portuguese African Territories has been submitted for the record as part of my prepared statement.⁹

Mr. DIGGS. Finally, just two or three questions here about our policy on the Indian Ocean. There have been some elements making a lot of propaganda recently on the supposed strategic importance of the Indian Ocean and it is important in many contexts, but within the context of this propaganda the whole aim is to prove that the minority regimes in southern Africa are in some way strategically vital to the United States and therefore the kind of support that we have been giving them that has been brought out here today and in other ways is fully justified.

What is our policy in that area within this political context? What is the attitude of our Government toward making the Indian Ocean a zone of peace and making it a nuclear free zone as desired by the vast majority of the countries bordering on that ocean?

Mr. NOYES. Mr. Chairman, I am not quite sure what the propaganda is to which you refer. I testified on Tuesday before another subcommittee of this committee on this very subject. To relate, as you yourself have just said, the undeniable importance of the Indian Ocean area as justification for support for the white regimes, or whatever term you used, in Africa, I think, is misleading.

The area is of clear significance when you think in terms of Western Europe's supply of energy, Japan's, and to an extent the United States. The Indian Ocean area itself encompasses so many problems and it is of such vast dimension that you raise a great many issues in considering of course its strategic significance. The subject has come up of this zone of peace as put forward by the Government of Ceylon and others in the area. The United States has taken no formal position one way or another on the matter.

Mr. DIGGS. Well, there was a recent publication by the Institute of Strategic Studies, for example, that talked about the Soviet presence in the Indian Ocean and said it is not significant and that it is very

⁹ See p. 90 for list.

erratic and in fact diminishing. There is a great deal of relevance in the minds of some people about the importance of the Indian Ocean within the geopolitical contexts involving minority rule in southern Africa. If it is true that Soviet presence is not significant, if it in fact is diminishing, particularly now that our President has developed this rapprochement with the Soviet Union, why should we worry about a Soviet presence anywhere near the area serviced by Portuguese African ports? That is essentially what I am asking.

Mr. NOYES. Well, I would say first of all that the Soviet presence in the Indian Ocean is not diminishing. On the other hand, it is not increasing to any alarming extent; it is small, it spends most of its time not in any area around South Africa but in the north toward the Horn of Africa. It is a symbolic presence and my opinion is that the United States has no desire or intention of entering into a ship-for-ship competition with the Soviet fleet in that area.

Second, there is no inclination anywhere in this Government that I know of to allow those considerations to drive our policy in terms of the minority controlled regimes in Africa. It is simply not an issue which is driving our policy or exerting a heavy influence on it.

Mr. DIGGS. Finally, would you tell us about our arrangement at Diego Garcia. We have a major new facility there. What is the current international status of those islands?

Mr. NOYES. These islands, Mr. Chairman, are really British territory. We have an administrative agreement with them on the island of Diego Garcia to operate jointly a small communications facility. This is under construction at this time. It is not a base, it is a facility. There are no plans to transform this facility into something from which force could be projected, or that would provide a location for basing of ships or aircraft.

Mr. DIGGS. We pay the United Kingdom, do we?

Mr. NOYES. There is no direct payment.

Mr. DIGGS. There is no payment?

[The reply of the Department of Defense follows:]

By an exchange of diplomatic notes on 30 December 1966, published as TIAS 6196, the British Government agreed, *inter alia*, to make the British Indian Ocean Territories (which includes Diego Garcia) available for United States and/or United Kingdom Defense purposes.¹⁰

Mr. DIGGS. Do you know what happened to the inhabitants of Diego Garcia?

Mr. NOYES. At the time prior to the point where the island was acquired or determined to be used by the British for this new purpose there were no indigenous people living on that island. There were workers. It was part of a copra plantation and the people were all workers who had been brought in from other islands, so there was no disruption of an indigenous population when Diego Garcia became a communications facility instead of a plantation. People did not work there any more, they were returned to their homelands.

[The following was subsequently submitted for inclusion in the record at this point:]

CHAGOS WORKERS RESETTLEMENT

As the responsible authority for the territory, the British Government carried out an extensive program for resettling former immigrant workers from

¹⁰ The specific answer to the question was classified.

Diego Garcia to Mauritius, the Seychelles and other parts of the Chagos Archipelago itself; this included financing new housing and agricultural projects for their livelihood. DoD understands that this resettlement program has been largely, if not totally, completed.

Mr. DIGGS. We have a tracking station on the Seychelles. The payment for the use of that tracking station, does that go to the United Kingdom or to the people of that island?

Mr. NOYES. This is the island of Mahé in the Seychelles. I am not involved in this. We will have to check that, Mr. Chairman. I am just not sure about that.

[The information referred to follows:]

SEYCHELLES TRACKING STATION

Under an exchange of notes of 30 December 1966, published at TIAS 6197, the Government of the United Kingdom, after consultation with the Government of Seychelles, authorized the U.S. Government to establish on the island of Mahe a space tracking station with related facilities. The agreement runs for an initial period until 1988. There was no payment by the United States Government for the right to establish the tracking station, although the United States did reimburse the British authorities for acquisition of private land and rights of way for the station in accordance with the terms of the agreement.

Mr. DIGGS. Now there are certain documents that we want to put into the record and I will yield to counsel for the purpose of entering any such documents into the record at this point and further for any points of clarification that she would care to make at this point at this hearing.

Mrs. BUTCHER. There is some documentation. Mr. Chairman.

There is an article on the extent to which FRELIMO forces are holding up communications in the Tete area of Mozambique written by a reporter for the Daily Telegraph which I think should be entered.

[The article follows:]

[Daily Telegraph, Feb. 2, 1973]

CABORA-BASSA: WHO WILL BREAST THE CURRENT?

Cabora-Bassa is a \$350 million Portuguese project in Mozambique: Africa's biggest dam. It will provide power and irrigation to many African countries. And yet, ironically, it has become the butt for many grievances. FRELIMO, the Mozambique Liberation Front, sees it as a plot to perpetuate colonialism: "Either we must destroy Cabora-Bassa, or it will destroy us." BRUCE LOUDON, the first British correspondent to penetrate this explosive area, reports:

They queue at dawn to go to Cabora-Bassa, anxious people, queues of cars, private and transport vehicles, awaiting the arrival of the daily military convoy that will speed along the road from Tete, in northern Mozambique, to the dam site.

Invariably the escort is late. Irritating. But no one dares leave without the soldiers and their rifles and mortars. Without them it is too risky. At any moment powerfully armed rebels could appear from the jungle near the road and fire on a passing car, killing the passengers. Mines could explode. Rocket propelled Russian grenades could be launched.

In the queue, they pass the time by telling stories of past incidents. They go on, seemingly, without end. The number of vehicles attacked or shot up are too many to count.

So they wait until the languid Portuguese soldiers appear in their camouflaged Unimog trucks. There are more interspersed along the convoy. The troops ride shotgun. Their automatic rifles face outwards. The safety catches are off, ready for instant action.

The journey to Cabora-Bassa begins. It is ironic in a way. For centuries this part of the world has been calm, untouched. It has been known to local tribesmen as *kabrabassa*—"where the work cannot go on". A place, explained was where nature could not be conquered.

Like most travellers who were to come after him, Livingstone was astonished by the surrounding countryside: poor, even by the standard of that time in Africa; poverty-stricken people; tribesmen without hope, living much as they had done for centuries, somehow scratching out a bare existence from barren, stoney ground.

What Livingstone and the early African explorers found has changed little since them—at least as far as the poverty of the people is concerned. What has happened, however, is that man has challenged nature. *Kabrabassa* has become Cabora-Bassa, probably the world's most politically controversial construction project.

The lonely, baobab-spiked ravine from which, for centuries, man has turned back, daunted and beaten, has become an issue in the chancelleries of the world. It has become a cause for war, for men to kill other men, a factor, even, in the constant confrontations between East and West.

For it is in this gorge in the desolate north-west of Mozambique, that Portugal is building the U.S. \$350-million Cabora-Bassa power and irrigation project. Africa's biggest dam and most extensive irrigation scheme is moving steadily towards completion. Beside it, Nasser's Aswan will look comparatively small—though the political implications of Aswan are probably on a par with the likely political implications of Cabora-Bassa.

That is why, in recent times, Cabora-Bassa has become the main issue in the struggle for Mozambique—a struggle which sees 60,000 Portuguese soldiers pitted against 7,000 barefooted but highly-trained bush fighters of FRELIMO, the Tanzanian-based Mozambique Liberation Front.

The ramifications go deep: the Portuguese and their southern African allies see the struggle for Cabora-Bassa as one of cardinal importance to the West. If the insurgents succeed in halting the scheme there is little doubt that Lisbon will have to withdraw from Africa, thereby opening up all kinds of Achilles heels about South Africa and Rhodesia.

Equally, the battle for Cabora-Bassa has become a test for Africa's nationalist movements. In a moment of unusual candour, a FRELIMO official conceded: "Either we must destroy Cabora-Bassa or it will destroy us."

It has become an indicator, too, of communist aspirations in Africa, lurking on Mozambique's frontiers, in Tanzania and Zambia are between 20,000 and 30,000 Red Chinese, ostensibly brought in to build the TANZAM railway, a controversial project in its own right. The Portuguese believe many of the Chinese are military instructors and technicians sent to buoy up FRELIMO in its all-out effort to destroy Cabora-Bassa.

"You see," said a high Portuguese official, "they have to destroy the project if they can. If they fail, we believe it is the end of FRELIMO. And we hope that the successful completion of Cabora-Bassa will prove a catalyst for the improvement of relations in the whole of this part of Africa. Many countries could benefit from Cabora-Bassa power."

The dam wall, a massive edifice, will rise 160 metres from the river bed. Behind it will form a lake of 2,660 square kilometres—an area half as big as Northern Ireland, and stretching way back to the Zambian frontier.

Cabora-Bassa will be big, massively, big by African standards, and big even by world standards. Churchill Falls in Canada is well-known and one of the biggest dams in the world, with a potential generating capacity of 4.5 million kilowatts. But Russia's Krasnoyarsk has a capacity of five million kilowatts. Cabora-Bassa matches the U.S.'s Grand Coulee project with a capacity of 3.6 million kilowatts.

Power from Cabora-Bassa will be transported through some 1,400 kilometres of high-tension power lines—power lines that will, initially, carry it south to near Johannesburg, and right through remote, rebel-infested country. To protect the power pylons, which would be vulnerable to attack, the Portuguese are planting them in broad, cleared zones beside black-topped highways along which troop detachments and engineers will speed at the first sign of trouble.

The Portuguese are confident there will be little interference with power supplies. They point out that the huge lake formed behind the dam wall will be an impediment to rebel infiltration. And they believe that experience shows attacks on power lines are quickly repaired (when 13 power pylons were blown up simultaneously in Lisbon, power supply to the city was interrupted for only an hour).

Although Cabora-Bassa will cost 350 million U.S. dollars, the cost to the Portuguese taxpayer will be minimal. Zamco, the South Africa-led consortium

is part of tycoon Harry Oppenheimer's empire. The consortium is operating on the basis of self-financing—that is, it provides the money itself for building work. Once Cabora-Bassa is built and selling its power to South Africa and other takers, Zamco will be repaid by the Portuguese Government as owners of the project.

Manuel Pimentel dos Santos, Mozambique's Governor-General and himself an engineer, says, "Cabora-Bassa means everything to us—it holds out the prospect of great wealth for distribution to all our people, of whatever colour or creed." Braz de Oliveira, engineer in charge at the site, says: "It is tremendously exciting. It is a great project in professional terms and in every other way. I am honoured to be attached to it."

Electricity from Cabora-Bassa will be the cheapest in Africa. South Africa has signed up as the first customer. Malawi seems likely to follow, enabling President Banda to exploit his vast deposits of bauxite. Zambia and Tanzania, presently the most committed in their support of FRELIMO, could benefit, too—but for political considerations.

If the Portuguese theory is correct, Cabora-Bassa could bring untold benefits to countries far beyond the confines of Mozambique, both in terms of power and irrigation; and, Lisbon believes, there would inevitably be closer economic ties, leading to greater political understanding.

For the time being, however, there is little understanding of Portuguese aims over Cabora-Bassa. While diplomatic denunciations and pressure from "dambusters" groups has been exerted around the world against Portugal and firms participating in the undertaking, the military net has tightened. The battle for Cabora-Bassa has begun in earnest. Target date for completion is 1975. Presently the project is right on schedule. So, too, is the proclaimed determination to halt it.

They come from all sides to attack Cabora-Bassa—from Tanzania, from Zambia and even from friendly Malawi, where President Banda's small army finds it impossible to control the activities of "freedom" fighters organising themselves in the south of the country, which points like a sword at the heart of the project.

The ultimate target is the dam site itself, where construction work began four years ago. But this is an armed fortress. The guerrillas have failed to come within ten miles of it.

Around the entire perimeter of the dam site north of the administrative town of Tete runs a double barbed-wire fence. And within this is what must be counted one of the largest minefields layed in recent times—85,000 landmines, which would make two in every yard around the site, although special arrangements have been made so that if one explodes, all are not detonated by chain reaction. Gun crews manning heavy artillery are on duty around the clock at strategic points overlooking Cabora-Bassa and the construction camp a little above it at Songo, where more than 3,000 white and black workers live.

Within the construction area—a massive red dirt scar in the middle of nowhere, when seen from the air—black uniformed security forces are on constant alert against sabotage. And with an eye to this, engineers are placing the nerve-centre of Cabora-Bassa—the power and generating plants as well as other machinery—in a warren of cathedral-like galleries that have been burrowed out of the right shoulder of the gorge, making it virtually impenetrable to attackers.

General Kaulza de Arriaga, Mozambique's Commander-in-Chief and the master mind behind the defence of Cabora-Bassa, believes the site now is virtually impregnable.

It is Arriaga, a leading Portuguese politician in his own right, known to his men as "the pink panther", who has created the concept of a triple ring of defences around Cabora-Bassa. The military displacements and the minefields are the inner rings; the outer ring consists of *aldeamentos*, or fortified villages, into which most of the half-million local tribesmen are being moved, there to live either under military protection or, if they want, under the protection of armaments issued to them by the Portuguese. Beyond this, much of the countryside around Cabora-Bassa has been defoliated. Anything that moves in such areas is fair game.

For its part FRELIMO seems to accept that any attempt at a direct strike against Cabora-Bassa is futile. Instead, the wily insurgents have been concentrating on supply routes to the dam site, the weak point in Portugal's defences. Ambushes and landmines have become their main weapons—and very effective weapons at that.

Time was when the road linking Rhodesia with Malawi, passing through the heart of the Tete district and through Tete town itself, was a busy international connection responsible for much of the trade between those two countries. Now, as a result of FRELIMO's drive against Cabora-Bassa, it is known as "Hell's corridor"—an excruciating, snail's-pace journey that sees traders, transport drivers and troops pitted in a daily death-trap against the insurgents.

From Moatize, just near Tete town, to the Malawi frontier at Zobue all travel is in military convoy. This averages three miles an hour because Portuguese soldiers armed with sharp-pointed steel staves walk out in front to prod the ground for signs of the dreaded landmines that at any moment could blow a vehicle or a man sky high.

"Hell's corridor" begins at a sign hidden in deep elephant grass that warns of the feared tsetse flies that are endemic in the area. From that point on the drama is seemingly endless—the slow crawl, sometimes sitting on sandbags in a heavy-duty Berliet of the type that is reduced to a shattered wreck by a small mine, sometimes walking out front with the soldiers and their prodding *picas* in temperatures that soar past 100°.

With a photographer I became the first British correspondent to travel "Hell's corridor". A deathly trip . . . fastidiously single two tracks are cleared in the dirt road. The 50 transport vehicles behind us must stay indelibly in those tracks, for if they wander off, by even a few inches, they could activate mines that will destroy them. Not that our *picas* or our two electronic mine detectors are any sort of insurance: the landmines FRELIMO uses for its attacks in the Cabora-Bassa area are frequently encased in wooden frames which make them impossible to detect. And they use crafty ratchet mines which allow, say, six or seven vehicles to pass before blowing the eighth off the face of the earth.

Noon on the first day. We have been travelling for five hours. Twenty miles—a 20-mile drive in five hours. A tribute to FRELIMO's effectiveness. The sun blisters. The sides of the Berliet are too hot to touch. Even those of us accustomed to African sunshine wilt and seek shelter. An African trader in the convoy carrying a load of beer to Malawi finds ready customers paying prices 200 per cent, above normal.

The civilians are morose. It will take two-and-a-half days to Zobue, they complain. Swatting away the stinging tsetse becomes an effort. Only the Portuguese soldiers, most of them black, remain cheerful. Alpha, Lima, Foxtrot . . . we are in constant radio contact with base, ready to call for help at the first sign of trouble. Automatic G-3's and mortars constantly face outwards into the surrounding bush. FRELIMO is somewhere there, we know. But we see nothing. The civilians have fled or been regrouped into *aldeamentos*.

We inch past the "graveyards"—the derelict remains of vehicles struck by mines, burned out trading posts, a flattened mission station. Only a charred cross remains standing. This is the fight for Cabora-Bassa.

Three more hours of travel. The sun is still high in the sky, but we stop for the night, apparently in the middle of nowhere. We stop, it seems, because the Portuguese air force does not do evacuations after 3:30 in the afternoon. The lieutenant in charge of the escort hustles the vehicles together, three abreast on the road, petrol tankers side-by-side with thickly populated civilian buses.

All wrong. A single FRELIMO bazooka into this lot during the night and it will all go up in smoke. No, I am told, we have lots of black civilians with us in the buses. FRELIMO should know this. Then they are a little more careful.

Nightfall. We sleep under a pantechnicon, the more circumspect of us lying behind thick tyres in case of attack.

Sun up and another crawling, sweltering, fly-ridden day. We go as far as Caldas Xavier, then branch off to look at another chief target of FRELIMO's activities, the vital railroad linking Beira with Moatize, from where all supplies for the dam are carried by road. More "graveyards".

At McCito we meet the "Zorras"—heavy, steel-plated vehicles that race up and down the line preceding the transport trains. If there is a mine or an ambush, the "Zorra" is supposed to draw the fire. It is, apparently, impervious to mines. A member of Portugal's royal Bragança family doing his national service rides shotgun beside me. His mother is the sister of the Pretender, he explains, but his father is Dutch and he could have escaped national service because of this. But he is patriotic. He believes FRELIMO has to be defeated, for if they stop Cabora-Bassa there will be no holding the spread of communist influence in Africa.

Just how hard FRELIMO has hit the supply lines to Cabora-Bassa may be judged from the fact that contingency plans exist to fly in all supplies for the

dam if road and rail links are closed. At Estima, near the building site, an all-weather airstrip has been laid capable of accommodating C-130 transport aircraft to be used if FRELIMO gets its way.

For the time being, however, it must be said that despite the strikes at the communications links, and the need to protect every convoy carrying material to Cabora-Bassa, the building programme has not been delayed in any way by FRELIMO's activities. Instead, it is right up to schedule. The actual dam wall across the gorge is being "thrown"—consuming 300 tons of cement a day, brought all the way by rail and road from Beira at a cost of £7.50 per ton in transport costs alone. The right bank mountain beside the gorge is a warren of roads and galleries. The visitor may spend a morning driving around inside the mountain without passing along the same road twice. Construction vehicles—generally French Berliet or Japanese Toyota, since British and American suppliers shied away from what they considered a controversial project—busy around the site.

Man challenging nature in the middle of what feels like nowhere. It is profoundly impressive. One could sympathise with Lisbon's minister in charge of the overseas territories, Professor Joaquim Silva Cunha, who surveyed the project with its hive of activity and huffed: "Just how on earth can they term this a 'crime against humanity'?"

How, indeed? The original planners of Cabora-Bassa conceived it as a purely socio-economic scheme which would facilitate the development of the north of Mozambique, one of Africa's most backward areas, allowing the exploitation of rich mineral deposits as well as some industrialisation. The integrated plan for the development of the Zambesi valley from Cabora-Bassa to the Indian Ocean is referred to in Lisbon as being "rather like the blueprint for a new Ruhr in Africa". Thousands of new jobs would result. Socio-economic improvement would follow. Inevitably, to Lisbon's way of thinking, the half-million African tribesmen in the area would be the main beneficiaries.

FRELIMO, however, sees Cabora-Bassa as a plot to perpetuate colonialism in Mozambique. It was Zambia's President Kenneth Kaunda who first dubbed it a "crime against humanity." FRELIMO says that the Portuguese have a plan to settle one-million whites in the newly-irrigated lands around Cabora-Bassa, thereby enforcing colonialism. This is invariably the main thrust of any FRELIMO argument against the project.

In fact, metropolitan Portugal is one of the few countries in the world with a steadily-declining population caused by mass-migration of workers to richer European countries. There are simply not the bodies for export to Mozambique. Neither does the small Portuguese merchant fleet—or any other merchant fleet, for that matter—have the capacity to transport 1 million whites the 7,000 miles to Mozambique.

FRELIMO's other argument is that Cabora-Bassa is a manifestation of South African imperialism in Mozambique. There is some reason for this, since it is a South African-led consortium, ZAMCO, that is carrying out the building work. South Africans abound in the work camp at Songo, busying themselves between shifts with such worrying preoccupations as the fact that there are black nurses in the hospital and that one of these could, horror of horrors, be called on to treat injured South African workmen. One realises how terror is the supposed alliance between the Portuguese on the one hand and the Rhodesians and the South Africans on the other.

But a ZAMCO official told me: "We are only here for the money." And that, it seems, is how the Portuguese want it. There is growing concern among Mozambique's leaders to ensure that South Africa and Rhodesia are not allowed to encroach and affect Portugal's constitutional commitment to multi-racialism.

Already, 57 per cent of General Arriaga's army in Mozambique is black, some with the rank of captain. The trend is in favour of black recruitment. In a couple of years 85 per cent of the army should be black.

South of Cabora-Bassa at a hamlet called Guro, near the Rhodesian frontier, Portugal's youngest and most-decorated colonel, 42-year-old Siegfriedo da Costa Campos, showed the degree of black involvement in the fight against FRELIMO in defence of the dam.

Campos, with film-star good looks, heads the GEP's, an elite group of predominantly-black parachutists used more and more as the main striking force in assaults against the insurgents. An afternoon helicoptering along the Luenha river with him to visit far-flung troop displacements showed on more than once a group of 20 GEP's, all but two, perhaps, of whom were black, with a black NCO in charge.

Costa Campos, who is as tough and daredevil as they come, is ecstatic about his black soldiers. "These soldiers are fighting for Mozambique. They have it in their blood. They are not like the soldiers of *mazungu* (the white man)," he says.

Inevitably, a new nationalism is emerging in Mozambique as the battle for Cabora-Bassa intensifies. The most popular brand of cigarette in the territory now is called Cabora-Bassa. The black soldiers talk of the undertaking with pride: they show little understanding of either FRELIMO's intentions or methods.

"Surely," said a GEP officer, "Cabora-Bassa is good in anybody's language. It so happens that the Portuguese are doing it. But if FRELIMO or the very devil were building Cabora-Bassa, it would still be a good scheme in purely non-political terms . . ."

But FRELIMO persists—and intensifies. Recently the insurgents acquired Russian 122mm. rockets of the type used so effectively by the Viet Cong against American bases. They have a range upwards of seven miles. As yet, the guerrillas have shown they are unaccustomed to their sophisticated launching devices. But once they are, they will certainly be launched against the dam. The fight will have reached a new, bitter pitch.

Dr. Marcello Caetano, the Portuguese Prime Minister, describes Cabora-Bassa as a "Cyclopic undertaking". The young Foreign Minister, Dr. Rui Patrício, who spends much of his life defending it, says that in an Africa largely poverty-stricken and under-developed, it is a very necessary project.

But nothing can convince FRELIMO. As Lord Gifford, Chairman of the British Committee for Freedom in Mozambique, Angola and Guinea, who recently visited Tete province from the FRELIMO side, explains: "The project would have the same effect on Africans as the South African gold mines—to make it easier for the Portuguese administration to exploit their labour. It is designed to sustain a failing colonial presence, and to involve South Africa more deeply on Portugal's side against the liberation forces."

Kabrabassa has come a long way. Nature has been challenged, work is going on.

It is a bitter, bloody fight. And, if Aswan is anything to go by, the stakes are high.

Mrs. BUTCHER. Also a copy of a secret report on the true conditions in Angola. This report discusses forced labor and other aspects of the position in the so-called Portuguese colonies and was allegedly written by a high Portuguese official for purposes of countering insurgency and then smuggled out of Angola to Holland.¹¹ I believe it should be inserted as well as the study on the Indian Ocean by an independent researcher.¹²

Mr. BIESTER. Mr. Chairman, would counsel yield on that point just for the purpose of a question.

Has this been satisfactorily authenticated so that we can be certain that that document accurately reflects—it really does come from the person it is supposed to come from?

Mrs. BUTCHER. That will be checked out and we will carry a statement on that.

Mr. BIESTER. I think you should do that.

Mrs. BUTCHER. Yes.

I would like to go back just a minute to the question of the pre-existing contracts and the requirements of the Foreign Military Sales Act because, as I remember, the Foreign Military Sales Act does not have an exception for the provision of defense articles and services under preexisting contracts. So I believe that we should have a statement in the record reflecting the understanding of the Department of Defense; namely, that the provision in section 3 of the FMSA does apply to any furnishing of defense articles and services after the passage of that act.

¹¹ See appendix, p. 248.

¹² See appendix, p. 253.

[The statement follows:]

Prior to 1968, the date of the enactment of the Foreign Military Sales Act, military sales were conducted under authority of the Foreign Assistance Act of 1961 and sales to South Africa were authorized by a Presidential Determination of 9 March 1962 under Section 503 of the Act. Thus, during the period prior to 1968, any military sale to South Africa entered into because of the "pre-existing contract" or other policy exception, was fully in compliance with statutory requirements.

Since the enactment in October, 1968 of the Foreign Military Sales Act, Presidential Determinations pursuant to Section 3(a)(1) thereof have been made for all countries with which the United States has or has had a military sales program. No Determination has been made for South Africa. However, the Foreign Military Sales Act is not relied upon as the authority for any post-1968 sales to South Africa.

Mrs. BUTCHER. As we understand it, the Congress was assured a number of times that there were absolutely no secret parts to the Azores agreement at all so I am slightly puzzled by the statement a little while earlier that insofar as grant assistance under the Azores agreement is concerned this is classified. Did I understand that incorrectly?

Mr. NOYES. The information we have with us is all classified on that subject so we will have to pull it out and revise it for you.

Mrs. BUTCHER. All right.

Could you also clarify our understanding as to the assurances to Congress that no part of the Azores agreement was classified? I believe that is contained in the testimony in the Case resolution in the other body.

[The reply of the Department of Defense follows:]

No part of the Azores Agreement is classified. We have provided the requested information for the record.¹³

Mrs. BUTCHER. On page 1 of your statement you say that certain stock items have been sold to South Africa by DOD because these were related to the C-130 purchase before the embargo. Even though it is late I think it is very important that we clarify the test under the preexisting contracts. I understand it to be whether there is an actual contractual obligation on the United States to furnish such article or service; and that is the reason that we must honor these contracts.

Mr. BADER. That is not our understanding but we will give you a clearer legal interpretation.

Mrs. BUTCHER. All right.

[The information requested follows:]

The pre-existing contract exception to the South African arms embargo has two applications, depending on whether the pre-existing contract was a commercial one (i.e., with a private U.S. exporter) or one with the U.S. Government. In the former case, follow-on exports were to be permitted under State or Commerce export controls if related to a contract which existed on the date of the embargo. In the latter, follow-on sales of military items by the Department of Defense would be made if related to military end items sold or under firm contract prior to the date of the embargo.¹⁴

Mrs. BUTCHER. Could you supply, as requested, for the record a list by year of all services or articles furnished under this contract and in each case the specific provision of the contract which you are reading as furnishing such an obligation?

Mr. BADER. Could I interject that you are now talking about a commercial contract. You are talking about the sales of C-130 spare parts.

¹³ See text, p. 99.

¹⁴ An opinion is being requested of the State Department to determine if this DOD interpretation is consistent with that of the Department of State.

Now again, Mrs. Butcher, that does not come under the purview of the Department of Defense. You are asking us to check with other Departments and we would be delighted to do so.

Mrs. BUTCHER. All right.

[The information requested follows:]

The data developed thus far, in consultation with the Department of State, Office of Munitions Control is provided as follows:

C-130 AIRCRAFT/SAAF SUPPORT PROGRAM

I. Licensed export of spare parts, associated ground equipment and technical data—by calendar year:

1963	-----	\$1,282,000
1964	-----	2,070,646
1965	-----	857,000
1966	-----	1,346,000
1967	-----	2,728,439
1968	-----	3,880,091
1969	-----	3,777,815
1970	-----	2,752,175
1971	-----	2,798,836
1972	-----	1,677,185
1973 (through Apr. 4, 1973)	-----	92,387

II. Center Wing Repair Program (April 1970–June 1971) program price, \$3,472,000.

III. T-56 Engine Overhaul Program (engines to be imported into U.S. for overhaul and re-exported upon completion).

(1) Total of engine repair program:

(a) 46 T-56 engines to be imported, \$552,000.

(b) Replacement parts during overhaul (estimated), \$1,066,602.

(2) Portion of total program in (1) achieved up to 4 April 1973:

(a) 10 T-56 engines imported 1972, \$120,000.

(b) 12 T-56 engines imported 1973, \$144,000.

(c) 10 T-56 engines re-exported 1973, \$351,870.

The Department of State is checking into these statistics further and will provide confirmation or augmentation of these data in response to a similar question by the Subcommittee to Assistant Secretary of State Newsom during the 6 April 1973 hearings.

Mrs. BUTCHER. Also you said there were certain DOD sales pursuant to these contracts.

Mr. BADER. Yes.

Mrs. BUTCHER. So if you could give us any information that you have on that, I think it would be helpful for us to know what we are doing that is otherwise in violation of the embargo—because anything under this exception would be in violation if it were not for our statement made by Ambassador Stevenson before the Security Council. Also information on any transactions with South Africa under the international peace and security exception to the embargo would be appreciated for the record.

[The information requested follows:]

SALES RELATING TO PREEXISTING CONTRACTS

All of the articles and services provided South Africa by the Defense Department since the embargo, and listed previously in this transcript, are related either to preexisting contracts by the Defense Department or the commercial contract for C-130 aircraft. The total value of these articles and services is \$65,774.

Mrs. BUTCHER. There was some testimony earlier then, Mr. Chairman, with respect to Portugal's application for membership in the Organization of American States.

Could you clarify this for us? Portugal is a European country.

Mr. BADER. We will clarify that.
[The reply of the Department of Defense follows:]

PORTUGUESE APPLICATION FOR OAS MEMBERSHIP

Portugal did recently apply for a non-participating membership in the OAS as an observer. We understand that the OAS has not yet taken action on this application. Whenever such consideration is undertaken by the OAS, it is understood that the U.S. position will be developed by the Department of State.

Mrs. BUTCHER. There was also some mention of a possibility of NATO having some jurisdiction with respect to Cape Verde. Could you submit something for the record on that? You will see it in the transcript when you get it.

[The information requested follows:]

NATO GEOGRAPHIC JURISDICTION

We have no official information whatsoever concerning the possibility of NATO having jurisdiction in the Cape Verde area. NATO's geographic area of interest, which is explicitly defined in Article 6 of the North Atlantic Treaty, is restricted in the North Atlantic to that area North of the Tropic of Cancer. It is possible that the report stems from public misinterpretation of the views of the North Atlantic Assembly of parliamentarians. This body, which is not an official NATO organ, adopted a resolution in their November 1972 meeting in Bonn recommending that: "the North Atlantic Council give SACLANT authority to plan for NATO-Europe's vital shipping lines in the Indian Ocean and South Atlantic . . ." We have reason to believe that discussion on this matter included specific mention of the Cape Verde Islands; but reiterate that this discussion did not involve NATO officially.

Colonel BOWEN. Could we get the source of that? Did that originate in the North Atlantic Assembly of parliamentarians?

Mrs. BUTCHER. Thank you.

I think it would be helpful to have a comprehensive statement in the record reflecting your counsel's earlier statement to the effect that there is some type of controls exercised over the transfer of military technology and how far exactly does this apply to South Africa and to Portugal.

[The information requested follows:]

Section 414 of the Mutual Security Act of 1954, 22 U.S.C. 1934, authorizes the President to control, in furtherance of world peace and the security and foreign policy of the United States, the export and import of arms, including technical data relating thereto, other than by a United States Government agency. The President is authorized to designate those articles which shall be considered as arms, ammunition, and implements of war, including technical data relating thereto. Executive Order 10973 delegates the above control functions to the Secretary of State, who exercises them through the Office of Munitions Control pursuant to the International Traffic in Arms Regulations, 22 CFR Subchapter M.

Other technology, not falling within the scope of the U.S. Munitions List (Title 22, CFR, Part 121.01), is controlled by the Department of Commerce pursuant to the Export Administration Act, 50 App. U.S.C. 2401-13. Both of these export control provisions are applicable to exports of technical data to South Africa or Portugal.

It should be noted that the export of unclassified technical data of whatever variety is permitted without restriction if such data is in published form and subject to public dissemination such as by being available at newsstands or bookstores, including the National Technical Information Service of the Department of Commerce, or is freely available at public libraries.

Mrs. BUTCHER. Now on the chairman's question on the inhabitants on the Seychelles Island I believe there is a record in the U.N. which is slightly inconsistent with the statement that there were no indigenous inhabitants on the island.

Mr. NOYES. Just to clarify, on the one island of Diego Garcia, this was a part of a plantation—I did not mean the whole archipelago which of course has a number of islands which are inhabited.

Mrs. BUTCHER. If you would like to amplify, I think it would clarify.

Mr. NOYES. Yes.

[The information requested follows:]

FORMER INHABITANTS ON DIEGO GARCIA

The former inhabitants on Diego Garcia were contract copra workers with their dependents. They had come from Mauritius and the Seychelles to Diego Garcia for the purpose of working on a copra plantation. Although some of the younger people there had been born on the island, they were not "indigenous inhabitants" in the sense that the term is usually used. As pointed out earlier, the British Government has been responsible for the resettlement of these workers and their families.

Mrs. BUTCHER. On the 707's the Defense Department has said that it provides only certain technical advice. Is the Department a member of the Gray Areas Committee?

Mr. NOYES. Ex officio member.

Mrs. BUTCHER. It does participate as an ex officio member——

Mr. NOYES. When asked, and provides technical advice.

Mrs. BUTCHER. So as such a member it would know whatever the committee was considering?

Mr. NOYES. If we were there at that particular time, if we were asked to that particular meeting.

Mrs. BUTCHER. You were asked earlier to supply for the record information on which South African and Portuguese military are attending any courses in the United States, and I think it should be clarified that that should mean whether financed or not financed by the U.S. Government.

You said that there are a number of military attachés in South Africa and the seven enlisted men, I believe. Are any of these black or have they ever been black?

Mr. NOYES. None were black in South Africa. I thought you were referring to all the Africans.

Mrs. BUTCHER. No, just the military——

Mr. DIGGS. Has there been any policy on that as there was in the State Department which was recently rescinded and now they do in fact have a black American in our embassy in Pretoria? Now prior to that time as a matter of policy—they were ashamed to admit it, but it was a matter of policy that they were excluded. So the question is, do you have such a policy written, unwritten or otherwise?

Mr. NOYES. We have never had such a policy, Mr. Chairman, but there is not now a black attaché in South Africa.

Mr. BADER. There is one elsewhere in Africa.

Mr. NOYES. The question of when there might be a black attaché in South Africa is simply an open matter; it is up to either someone to apply or to be selected.

Mr. DIGGS. The gentleman from Pennsylvania.

Mr. BIESTER. Yes; if the chairman would yield.

I had made a note at the time that the chairman had expressed his concern about the general attitude that he detected from the witnesses with respect to their understanding of the depth of feeling evolving in the continent, particularly in the southern section of the continent,

so far as the minorities are concerned and frankly the colonial governments.

I had made a note that I wanted to say that I share the chairman's concern in these matters but did not share that particular point of view; that I felt that the witnesses had expressed themselves with candor and will supply additional information to the committee as it was requested. It seemed to me that there was no problem with respect to their understanding of the fact that we must under no circumstance find ourselves against the majority of the people in that region who even from the very limited information which gradually comes to me as a new member of this committee must be enduring circumstances none of us would find tolerable.

Yet I felt that there was that understanding on the part of the witnesses and that the caution that perhaps characterized their testimony was a natural caution because of a desire to be correct in every instance with respect to their answer.

Having said that, it would be my own personal feeling that if we have never had a black military attaché in South Africa and if there is no policy against our having one and if we are contemplating having one, we should with all due dispatch see to it that that event occurs soon or this member of the subcommittee will begin to share the apprehensions of the chairman that perhaps we don't appreciate the extent to which the American Government is suspect by great numbers of the majority of the people in the southern region with respect to our true feelings so far as apartheid is concerned, so far as the minority government in Rhodesia is concerned, so far as the consequences potentially of the circumstances in Angola and Mozambique may be concerned.

Thank you, Mr. Chairman. I just wanted to relate that set of observations because I do think that it is important that we not only actually feel these concerns but objectify that feeling in some demonstrable fashion so that it is perfectly clear exactly where we are.

Thank you, Mr. Chairman.

Mr. Diggs. Well, there is no question in my mind that unless affirmative action is taken in this regard that you are subject to the view that you are consciously excluding black military participation in the South African mission. There is no other conclusion to draw.

The State Department finally came around to the view that they had to take positive action, and they did take positive action. The gentleman has been assigned there since. I think he went over in January, having had extensive language training in Afrikaans as he is in the economic section in Pretoria. He was in our mission in Japan before that time.

Unless there is a conscious effort, unless there is an affirmative action taken, we have no other conclusion to draw but that you are consciously excluding black participation because you feel that this matter may not be viewed kindly by the South African military which is the South African Government.

Mr. NOYES. Mr. Chairman, may I make a comment?

I appreciate Congressman Biester's comments, both the first part and the last, and I would just like to add these two comments: One, that an attaché of course would be judged by his performance, which would in turn affect his career in the military. His performance in the context of being an attaché in any country depends greatly on his ability to

move freely in the society, particularly among the category of people to whom in effect he is accredited; that is, the military.

Therefore, and I am not saying any of this with any implication that we are holding back such an assignment but I would say that again for a man to do well he would have to want to go to be an attaché and that it would be very, very unwise to order or force anyone to go. I am not directly involved in this kind of thing so I can speak freely about it. I somehow would doubt if there would be a line of black officers with a passionate desire to be assigned in South Africa. So I think the problem is a complex one.

Mr. BIESTER. I can understand that but it seems to me there may be one, and finding that one may not be all that great an effort. I appreciate the position he would find himself in in his ability to perform in accordance with what he would regard as his standards but somehow or other both our private sector in that country and in my own view our public effort in that country are going to have to engage in some way and find exactly where we are insofar as rules which are repugnant to most of the people of the world and certainly almost all, if not all, of the American people. We cannot keep continuously sweeping under the rug our concern because it does involve some very difficult human moments. I think that if the State Department has found a career officer willing to take that risk that the military can find one also.

Mr. DIGGS. Had you finished, Counsel?

Mrs. BUTCHER. Mr. Chairman, I didn't know whether you wondered what the CSIR uses the Air Force tracking station for and precisely which office of the Council is involved because the CSIR carries out a number of very serious military operations and research and so forth and specification would be helpful for the record.

Mr. BADER. We will give you a fuller statement but let me state it is not military.

Mrs. BUTCHER. Yes.

(The report of the Department of Defense follows:)

The South African Council for Scientific and Industrial Research (CSIR) has installed some self-powered wind shear and weather research instrumentation at Station 13. It provides normal weather reports and atmospheric research. The equipment is unattended and is visited only periodically by CSIR people for maintenance, calibration and collection of the data. The South Africans do provide weather data useful to us for space and aircraft activities.

The CSIR does not conduct military operations or research at Station 13.

Mr. DIGGS. Well, we have had some dealings with that agency in connection with our own visit to the NASA tracking station and we are of the opinion that they have a very broad mission there, and any time that agency is mentioned my antenna goes up.

Mr. BADER. Well, Mr. Chairman, at your suggestion I went to South Africa a year ago last January after we testified and my understanding was that the scientific group is doing scientific research on air pollution and meteorological research and the other is used strictly for the post office.

Mr. DIGGS. Do you have any other questions?

Mrs. BUTCHER. No, Mr. Chairman.

Mr. DIGGS. The committee stands adjourned.

Thank you very much.

[Whereupon, at 5:25 p.m. the subcommittee adjourned.]

IMPLEMENTATION OF THE U.S. ARMS EMBARGO

(Against Portugal and South Africa and Related Issues)

FRIDAY, APRIL 6, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON AFRICA,
Washington, D.C.

The subcommittee met at 10:17 a.m., in room 2200, Rayburn House Office Building. Hon. Charles C. Diggs, Jr. (chairman of the subcommittee) presiding.

Mr. Diggs. The subcommittee will come to order.

This morning we have the last in our series of hearings on the arms embargo against South Africa and Portuguese territories in Africa.

We have already had the testimony of the Department of Commerce and the Department of Defense, both of which repeatedly referred us to the State Department for information and other collateral support for foreign policy guidance.

As we have already found with our hearings on U.S. investment and other links with southern Africa, there is a great unwillingness on the part of all Government agencies to admit responsibility for foreign policy. Each of the many agencies appearing before us has really avoided many of the most pointed questions by passing the buck to the State Department. We hope to have their interpretations further clarified by the Assistant Secretary for Africa, who is our witness this morning.

It is not and should not be necessary for the committee to emphasize the gravity of what we consider to be an evasion of responsibility by agencies that are concerned with this issue, especially in the question of the arms embargo and various military contracts with the minority regimes in southern Africa.

We find that there has been what we consider to be a massive erosion of the principals established during the 1960's, with significant sales of equipment, aircraft, herbicides, even crop-spraying aircraft, to the South African and/or Portuguese military, and to civilian users who are likely to be connected to the military, especially in an emergency.

We have found that the United States is spending no less than a million dollars every year on training Portuguese military personnel, and that there is not even a formal restriction on these personnel using their training in the African wars.

There has also been persistent reports of our Government exchanging intelligence information with the minority regimes in southern Africa. There have been contacts between U.S. counterinsurgency instructors and the Portuguese military, there have been calls by U.S.

vessels at Mozambique and Angolan ports, a visit to Mozambique by a group from the U.S. War College, and numerous official visits of U.S. diplomatic personnel to the war zones of Mozambique. All of these things have been reported officially, while many other contacts are alleged to be taking place.

It is in the context of intensified communication with the minority and colonial regimes, including a recent trip by the Department's representatives to Lisbon, and of the massive psychological and economic boost provided by the notorious Azores agreement to Portugal, that we see the United States becoming less and less interested in maintaining even token communication with the liberation movements and with the opponents of racism and colonialism in southern Africa. This communication policy appears more and more as an exercise in hypocrisy, although we did vote for a Security Council resolution which called for Portugal to negotiate with the interested parties, which in the context of the resolution meant the liberation movements. We are not aware of any attempt made to bring pressure to bear on Portugal to persuade them to do this.

The Annual Strategic Survey of the International Institute for Strategic Studies in London has concluded that, as the anachronism of the Vietnam war fades, new dangers of international conflict arise over the racial problems of southern Africa. This issue was regarded as the major threat to military stability at the present time. Yet American planners, according to our observation, are ignoring the dangers of escalation, and while preoccupied with the big power game, subtle changes at the middle level of policymaking are driving the United States deeper into involvement with what we consider to be the wrong side in Africa. Our investment, trade, and interests in raw materials and especially oil are much more dependent on cultivating communications with black Africa than with the minority regimes of the South.

At this point the letter to the Department inviting them to testify and including certain questions reflecting the committee's concern will be placed in the record.

[The letter to the Department of State follows:]

COMMITTEE ON FOREIGN AFFAIRS,
March 19, 1973.

HON. MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations,
Department of State, Washington, D.C.

DEAR MR. WRIGHT: The Subcommittee on Africa is planning hearings on March 20, 22, and 23, 1973 on the "Implementation of the Arms Embargo against Portugal and South Africa and Related Issues." It would be appreciated if the Department would provide for the March 26 hearing a witness, who, in his prepared statement, would specifically address each of the issues involved in this hearing, the purpose of which is to review U.S. current and prospective policy and practice with respect to:

- (1) Sales to the South African and Portuguese military, including communication, transport and radar equipment.
- (2) Sales of aircraft to South Africa and Portugal.
- (3) Third party componentry.
- (4) Herbicides.
- (5) Training of South African and Portuguese military, directly or indirectly, in the U.S. or elsewhere, under private or official auspices, or by correspondence courses.
- (6) Distribution to South African and Portuguese military of Department of Defense films or of other U.S. films made for the use of the military.

It would be appreciated if full data is provided in the statement on:

(1) U.S. policy with respect to each of the above :

(2) pending cases ;

(3) and particularly, the current position on the question of U.S. complicity for British, French or other aircraft for sale to South Africa.

Please include a specific and comprehensive statement on :

The arms embargo policy against (1) Portugal and (2) South Africa as it exists at the moment ;

The changes in arms embargo policy since 1963 with respect to (1) Portugal and (2) South Africa ;

The effect of the reported NSC memorandum (Bruce Oudes' article, *Africa Report*) which allegedly provides for more lenient decisions in favor of supplying (a) military equipment, (b) military equipment with a military application, or (c) civilian-type items for use by the military (cases of so-called "gray areas").

As regards aircraft, please provide precise information both on :

What sales there have been under the policy enunciated by Secretary Newson in his Chicago speech of September 17, 1970 ; and

On the guidelines for handling such sales ;

The advice or guidance furnished interested U.S. aircraft manufacturers.

Specifically, what decisions have come before the State Department in all "gray areas" items for (1) Portugal and (2) South Africa in the last six years ?

It would also be appreciated if the Department would provide in its statement full and specific information on each of the following reports :

That three Shrike-Commanders and one model 690 Commander have been sold by North American Rockwell to a purchaser in northern Mozambique ;

That at least one of them has already arrived in Mozambique ;

That (according to a report in *Marches Tropicales*) a helicopter is also involved in this arrangement ;

That, although these are light aircraft, they are easily subject to modifications for a variety of purposes, including crop-spraying, aerial reconnaissance, etc. (according to *Jane's Military Balance*) ;

That one of the aircraft is in fact to be equipped for aerial photography ;

Exactly what aircraft are involved ;

Who is the vendor ;

Who is the vendee ;

Who is the ultimate consignee ;

What is the scheduled timetable for delivery of each of the aircraft involved to Mozambique ?

Exactly what assurances were requested and received from the Government of Portugal respecting their use ; and

Is any U.S. Government financing or credit or loan guarantee involved in any way.

It is also requested that the Department provide specific responses to the following questions raised in my letter of November 14, 1972, beginning at page six, but *not* responded to by the Department in its communication of February 8, 1973 :

(1) What action is the U.S. taking to investigate the allegations made in Mr. Neto's letter ?¹

(2) What investigation is the U.S. initiating or supporting in multilateral organizations relative to the charges raised by Mr. Neto ? It is to be noted that the MPLA has asked the Special Committee to arrange for action to be taken by the following Specialized Agencies, in addition to the Security Council and other United Nations organs : the Food and Agricultural Organization (F.A.O.), World Health Organization (W.H.O.), United Nations Educational Scientific and Cultural Organization (UNESCO), and the United Nations Children's Fund (UNICEF). I am particularly concerned about this because it is well known in U.N. circles that a major reason for the unwillingness of the Specialized Agen-

¹ In a letter to the Secretary-General of the United Nations dated Aug. 17, 1972, Mr. Agostinho Neto, President of the Movimento Popular de Libertacao de Angola, made seriously disturbing allegations concerning Portugal's attempts to repress forcibly the right of the people of Angola to self-determination in violation of Portugal's U.N. Charter obligations. Of particular importance was Mr. Neto's allegation that "since 1 May 1970, in particular, the colonialist army has been spraying herbicides and defoliants on the lands cultivated by our people in the liberated areas of Eastern and Northern Angola," and that, "In recent weeks this chemical warfare has been brutally and barbarically expanded."

cies in fulfilling their responsibilities in this regard is the opposition of major contributors, notably the United States.

(3) Has the U.S. made oral or written representations to Portugal with respect to the use of chemical weapons?

(4) Have there been any sales by U.S. sources to Portuguese purchasers or their agents under validated general licenses within the last three years of the following substances:

- (a) 2, 4-d (dichlorophenoxyacetic acid)
- (b) 2, 4, 5-t (trichlorophenoxyacetic acid)
- (c) cacodylic
- (d) piclorum

(5) If any of the above mentioned chemicals or others used for the same or similar purposes are not subject to validated licensing requirements, has this been the case since the beginning of the U.S. arms embargo on Portugal? If not, when did the change in policy occur?

(6) I request a copy of U.S. Guidelines on Arms Embargo With Portugal. If this document is classified, please furnish it subject to the usual procedures governing classified material.

In view of the history and development of the U.S. arms embargo policy against South Africa, I believe it is important that the position of this administration on the arms embargo be clearly enunciated. The Department is therefore requested to provide a definitive statement on the current parameters of the arms embargo policy against South Africa, specifically:

Is the present policy a return to the earlier, narrower 1962 policy as articulated by USGA representative Francis T. P. Plimpton on October 19, 1962:

"To be concrete, the United States has already adopted and is enforcing the policy of forbidding the sale to the South African Government of any arms, whether from governmental or commercial sources, *which could be used by that Government to enforce apartheid either in South Africa or in the administration of South-West Africa.*" (Emphasis supplied.)

Note, the test here, under our earlier policy, was whether the arms could be used to enforce apartheid. Is this the measure employed by the present Administration?

Or, does the United States still adhere to the U.S. arms embargo policy as formally announced by Ambassador Stevenson on August 2, 1963, to the Security Council, specifically:

"I am now authorized to inform the Security Council of still another important step which my Government is prepared to take.

"We expect to bring to an end the sale of *all* military equipment to the Government of South Africa by the end of the calendar year *in order to further contribute to a peaceful solution and to avoid any steps which might at this point contribute to the international friction in the area.*" (Emphasis supplied.)

Has the United States retreated from the "important step" which Ambassador Stevenson announced?

In other words, does the U.S. Government now apply the earlier test, whether equipment is for the external defense of South Africa or for the use of the South African Government in enforcing apartheid and permit the sale of the former and only prohibit the sale of the latter?

Or does the Administration enforce the arms embargo as applying to the sale of *all* military equipment to South Africa whether for external defense or for only internal uses?

What is the basic test of the administration?

Finally, I would appreciate receiving full information on *all* activities in the past six years under the two exceptions to the arms embargo:

Pre-existing contracts:

International peace and security exception with respect to policy and practice.

What pre-existing contracts have been invoked?

By whom?

Exactly what kinds of equipment, spare parts or services have been provided under the exception during this period?

The value of equipment and services furnished to South Africa under the "pre-existing contracts exception" for each year since 1963 to date.

The Department is formally requested to append to its statement:

(1) A copy of the guidelines on implementation of the arms embargo as originally issued; both with respect to (i) Portugal and (ii) South Africa;

(2) The guidelines as modified pursuant to the NSC memorandum referred

to above and in accordance with the decisions referred to in the Chicago speech of Assistant Secretary Newsom, both for (i) Portugal and (ii) South Africa ;

(3) The guidelines on third party componentry with respect to (i) Portugal and (ii) South Africa ;

(4) The guidelines on sales of aircraft, helicopters and transport aircraft, whether (a) large or (b) small, to the (i) Government of Portugal and to the (ii) Government of South Africa ;

(5) The Guidelines on U.S. relations with (i) the Portuguese military and (ii) the South African military ;

(6) The guidelines on participation in U.S. training or educational programs, whether under government or private auspices, whether correspondence courses, or training by direct attendance in or out of uniform, abroad or in the United States, whether at military, governmental or private institutions, by

(a) The South African military, or

(b) The Portuguese military.

(7) The guidelines on the rental, sale, transfer or distribution on any terms whatsoever of U.S. Government films to the

(a) South African military, and

(b) Portuguese military.

(8) The guidelines on official visits by U.S. officials to Mozambique and Angola (including visits by military attaches or visits as part of the National War College's annual orientation tour).

Thank you for your cooperation.

Sincerely,

CHARLES C. DIGGS,
Chairman, Subcommittee on Africa.

Mr. Diggs. This final hearing is therefore being held within the context of what we consider to be major relaxations of the arms embargo, of escalating military links with southern Africa that have become apparent in the previous hearings, and as an extension of conversations and other examples in other forums.

We have with us this morning the Hon. David D. Newsom, Assistant Secretary for African Affairs. He has a prepared statement in connection with his visit to Lisbon, and also one on the arms embargo.

Mr. Secretary, if you will identify those accompanying you, you may proceed in whatever way you would like.

STATEMENT OF HON. DAVID D. NEWSOM, ASSISTANT SECRETARY FOR AFRICAN AFFAIRS, DEPARTMENT OF STATE

Mr. Newsom. Thank you, Mr. Chairman.

I am accompanied by John A. Linehan, who is the Acting Director of our Office of Southern African Affairs, who is with me at the table, and by Donald Haught, who is part of the staff of the Office of Southern African Affairs.

At the request of the committee I will, as promised last week, put into the record, Mr. Chairman, a brief statement about the visit which I made to Lisbon on the 19th and 20th of March, a 2-day stay, during which I had meetings with Prime Minister Caetano, Minister of Overseas Silva Cunha, Minister of Foreign Affairs Patricio, and officials of the Foreign Ministry.

My purpose in visiting Lisbon was twofold. Opinions in Lisbon are obviously important to the course of events in Africa. I had not visited Lisbon in 3½ years as Assistant Secretary and believed that an understanding of the Portuguese point of view was important to a full appraisal of the possibilities for peaceful change on the African Continent.

Second, I felt it important that Lisbon have a clear idea of U.S.

policy toward Africa. In talks I have had over the past year with the Portuguese Ambassador in Washington and in discussions which our Embassy in Lisbon has had, these policies have been faithfully conveyed. I found, also, that the Portuguese had followed closely our official statements on Africa. I felt, however, it would be fruitful to take the opportunity to discuss and explain our policies in greater detail and from the standpoint of one with African experience, with the principal decisionmakers in Lisbon.

I believe the discussions were useful although there were probably no basic opinions changed on either side.

The Portuguese view of Africa has been set forth on several occasions recently in speeches by the Prime Minister and the Foreign Minister and it was basically these positions which they outlined to me.

In brief—and here I am presenting the position as they presented it to me and not speaking for them—Portugal is seeking to create what they call multiracial societies in their territories in west and southern Africa. In this context, they attach major importance to assuring a major role for the Portuguese white minorities. They do not believe that white minorities elsewhere in Africa have been adequately protected in the independent African states. They, therefore, reject independence as a goal for their territories. Instead they put stress on the educational and social development of the African populations within the Portuguese system. They acknowledge that this is a process requiring time.

Their stand against any discussions of negotiations—directly or indirectly—with the liberation movement leaders as such, is adamant. They feel they have the upper hand in the military struggle. They do not feel the liberation leaders are representative of the territories as a whole. They say they are prepared to welcome back any of the leaders and to give them posts—and that some have returned.

While they have expressed a willingness to talk collectively or individually with the African states or the Organization of African Unity they are not precise on how this could be arranged or on what they feel it would accomplish. They profess strong opposition to any role by the United Nations or its Secretary-General, feeling the international organization is biased against them.

They are very much aware of the U.S. commitment to self-determination in Africa and to the restraints we place on our arms sales to Portugal for use in the Portuguese territories. They feel we do not sufficiently take account of their contribution to Africa and the defense against communism in Africa. They feel our arms embargo is one-sided since we provide arms to some African nations.

In presenting our policies, I emphasized that the United States had strong interests in black Africa as well as a growing public opinion, both white and black, expressing concern over the situation in southern Africa. We believed the absence of appreciable change politically acceptable even to moderate Africans were tending to polarize Africa to the advantage of the Chinese and the Soviets. Just as "dialog" had not succeeded because its advocates were unable to show results in terms of change, so Africans would find it politically difficult to talk with the Portuguese in the absence of some indication of clear movement toward self-determination. They do not find even any rapid and conspicuous emergence of respected and identifiable African leadership in the Portuguese territories. The result is that the liberation

approach seemed to Africans the only alternative to colonialism which they feel they can publicly support.

In response to Portuguese questions regarding a definition of self-determination, I stated that, in effect, this was a matter between the Portuguese and the independent Africans. Any manifestation of self-determination acceptable to the states of the OAU would certainly be acceptable to us. This was more important than any definition we might have of self-determination. Regrettably, however, a mutually satisfactory basis does not seem at the moment to exist for talks between the Portuguese and the Africans which could explore this and other issues between them.

This visit to Portugal was undertaken as part of a continuing effort to acquaint the Portuguese with our assessment of the situation in Africa, particularly as it affects their own situation on the continent. It is unrealistic to consider that such talks—or any precise steps we might take—can “pressure” Portugal to change policies rooted in tradition and politics. Such talks can, hopefully, make them accurately aware of our policies in Africa and of our continuing conviction that, in the absence of genuine moves toward a significant political role permitting the exercise of self-determination by the African majorities in their territories Portugal and its friends run the increasing risk to their interests of a polarized Africa.

I will go from this statement then, Mr. Chairman, to my statement on the arms embargo.

Mr. Diggs. You may proceed.

Mr. Newsom. Mr. Chairman, members of the subcommittee, I am pleased to appear before the subcommittee today as it continues its hearings on the U.S. arms embargoes against South Africa and the Portuguese territories in Africa.

Mr. Chairman, over the period of a decade, we have maintained strict arms embargoes toward both South Africa and the Portuguese territories. We have done so as a tangible demonstration of our support for self-determination and our desire to avoid any support for the imposition of apartheid. Our desire is to avoid giving encouragement to any side to rely on military solutions to the complex of southern African problems. The arms embargo policy has been reaffirmed and enforced by succeeding administrations since the early 1960's.

To put the significance of the embargoes into perspective, I would like to emphasize that although the maintenance of an arms embargo may sound like a passive act, it is not. It requires constant attention to commerce with the area. It means considerable sacrifice on the part of U.S. exporters who have seen substantial sales in southern Africa go to countries less conscientious about the embargo and less criticized by the Africans.

In the case of Portugal, it has been U.S. policy since 1961, following the uprisings in Angola, to embargo the sale or supply of arms and military equipment for use in the Portuguese territories in Africa. I might add that this preceded by 2 years action on an arms embargo in the United Nations. The embargo against arms for use in the Portuguese territories in Africa is implemented by asking the Portuguese Government for formal assurances that any embargoed equipment supplied to that country shall be used only within the NATO area as defined in the North Atlantic Treaty, and that does not include any part of Africa. There has been no change in this practice since

the embargo was announced in 1961. No supportable evidence has ever been presented to us that such assurances have not been adhered to.

The embargo on arms for South Africa has been in effect in its present form since 1963. Prior to that time, the United States had applied a more limited embargo on arms which could be used by South Africa to enforce apartheid. In announcing our embargo against South Africa on August 2, 1963, Ambassador Stevenson stated before the United Nations that we would cease the sale of all military equipment to the Government of South Africa by the end of that year. He noted two exceptions to this general policy, which we would be obliged to observe: we would have to continue to honor contracts which were already in existence, and we would reserve the right to interpret the policy in the light of requirements for assuring the maintenance of international peace and security.

We have not been faced with the necessity of invoking the latter exception. With regard to preexisting contracts, we have made two exceptions to the arms embargo: we have permitted the continued supply of spare parts, maintenance information, and services for seven aircraft which were sold to the South African Air Force prior to the embargo, and we have permitted two small shipments of equipment to the South African Navy in connection with a sale of torpedoes which also predated the embargo. We are in the process of compiling a report on these transactions and will supply it for the record.

[The information referred to follows:]

There follows a list of transactions we have approved under the preexisting contracts exception to the embargo:

(A) Spare parts, maintenance and testing equipment, replacement engines, overhaul and repair programs for seven aircraft sold to the South African Air Force prior to imposition of the embargo, by calendar year:

1963	-----	\$1, 282, 000
1964	-----	2, 070, 646
1965	-----	857, 000
1966	-----	1, 346, 000
1967	-----	2, 728, 439
1968	-----	3, 880, 091
1969	-----	3, 777, 815
1970	-----	2, 752, 175
1971	-----	2, 798, 836
1972	-----	1, 677, 185
1973 (through March)	-----	92, 387

B. Electronic devices for testing torpedo tubes: 1970----- \$6, 000

NOTE.—These sets were replacements for defective units sold to the South African Navy prior to imposition of the embargo in connection with a contract for the provision of torpedoes and supporting equipment.

C. Target, submarine tow type: 1970----- \$7,200

NOTE.—This approval revalidated an export license issued in 1968 to permit the shipment of a target to the South African Navy under the terms of a contract for torpedoes and supporting equipment in effect prior to the embargo. The revalidation was necessary because the target had originally been misshipped.

Mr. NEWSOM. In the enforcement of the South African embargo, the United States does not make distinctions with regard to whether arms are intended for external defense, internal defense, or the enforcement of apartheid. All sales of military equipment for such purposes are prohibited. There has been no change in this regard since 1963.

In addition to arms, our embargoes include restrictions on the ex-

port of communications equipment, military vehicles, and radar equipment, as well as a variety of other military equipment. Applications for the export of U.S.-manufactured components for military aircraft produced in third countries are also examined under the terms of the arms embargoes. We do not have any pending applications for the export of such components to third countries for inclusion in aircraft destined for South Africa.

With these policy considerations in mind, Mr. Chairman, I would like to turn to the specific questions you raised in your letter to the Department of State of March 19, 1973, requesting our attendance at these hearings.

You asked about the sale of light aircraft to Mozambique. I understand the Department of Commerce has undertaken to supply information on these transactions for the record, but I would like to mention here that the United States has licensed a variety of civil aircraft for sale to Mozambique, including the types you inquired about. In most cases, these exports involved Export-Import Bank support. These exports are in conformity with U.S. Government policy, which permits the sale of civilian aircraft for civilian use in the Portuguese territories.

Prior to approving the issuance of licenses in such transactions, we satisfy ourselves in each case that aircraft are destined for legitimate civilian use and are not likely to be diverted for military purposes. Some of the purposes for which we have licensed aircraft are telephone-line repair, harbor supervision, and ambulance service.

You also inquired about what guidance has been furnished to interested U.S. aircraft manufacturers in light of my announcement in September 1970 that we would consider applications for the export of limited numbers of executive-type aircraft not readily adaptable for combat or security purposes for VIP transport by the South African military. Interested aircraft manufacturers are advised by the Department of Commerce that the export of light aircraft for possible military use would not be approved, but that favorable consideration would likely be given to export license applications for a reasonable number of executive-type transport aircraft to the South African defense forces if the end-use is assured to be for executive transport only. To date, no such applications have been filed. I understand that the Department of Commerce has sent to the chairman a letter in reply to this question.

Your letter also asked what decisions have come before the State Department in "gray areas" in the last 6 years. Since this involves obtaining files from past years, we will undertake to supply a reply for the record.

[The information referred to follows:]

There follows a compilation, from the Department's files, of actions taken on license applications considered to be in gray areas in the years 1967 through 1972:

Commodity	Value	End-user	Action
1967:			
Capacitors, relays, resistors.....	\$3,255	South African Navy.....	Approved.
Aircraft tires.....	6,982	Portuguese Air Force.....	Do.
Electron tubes.....	2,385	South African defense forces.....	Do.
Signal generator.....	1,050	South African railways.....	Do.
Airborne antenna.....	44,400	South African Air Force.....	Disapproved.

Commodity	Value	End-user	Action
1967—Continued			
Frequency counter.....	2, 799	South African Police.....	Approved.
Quartz crystals.....	1, 800	do.....	Do.
Aircraft engines.....	450, 000	South African Air Force.....	Disapproved.
Multichannel recorders.....	(1)	South African Institute of Defense Research.	Approved.
Transceivers.....	3, 198	South African Police.....	Disapproved.
Do.....	2, 132	South African Department of Transportation.	Approved.
Quartz crystals.....	1, 738	South African Police.....	Do.
Transceivers.....	3, 198	South African Government VIP vehicles..	Do.
Shotgun chokes.....	103	Sporting resale.....	Do.
1968:			
Airborne communications equipment.....	70, 800	South African Air Force.....	Returned without action.
Ground navigation system.....	1, 567, 377	South African Department of Transportation.	Approved.
Electron tubes.....	412	South African Air Force.....	Do.
Automotive parts, specially designed.....	340	South African defence force.....	Disapproved.
1969:			
Airborne antenna.....	30, 500	South African Air Force.....	Do.
Cathode tubes.....	545	do.....	Approved.
Electron tubes.....	2, 988	do.....	Do.
Wire and cable.....	2, 250	South African Navy.....	Do.
Oscilloscopes.....	16, 576	South African Police.....	Disapproved.
Wave guides.....	519	South African Navy.....	Approved
1970:			
Electron tubes.....	6, 018	do.....	Do.
Civil aircraft.....	35, 000, 000	Portuguese Government.....	Do.
1971:			
Airborne transceivers.....	708, 010	South African Air Force.....	Disapproved.
Aircraft avionics system.....	(1)	VIP aircraft for South African Air Force.	Approved.
Electron tubes.....	5, 850	South African Navy.....	Do.
Aircraft.....	25, 000, 000	South African commercial cargo carrier..	Do.
Do.....	1, 532, 850	South African commercial charter service.	Do.
1972:			
Aircraft.....	2, 000, 000	South African Police.....	Disapproved.
Do.....	7, 000, 000	South African Air Force.....	Do.

¹ Unknown.

Mr. NEWSOM. With regard to your request for information on any training of the South African and Portuguese military and on the distribution of Department of Defense films to South Africa or Portugal, I do not believe we can add to the information supplied by the Department of Defense. In brief, we do not provide military training to South Africa, and that given to Portugal is in fields related to its NATO responsibilities.

You have raised a number of questions regarding U.S. exports of herbicides. The Department of Commerce has replied to some of your questions and is, I believe, undertaking to supply export statistics of these substances for the record. However, I would like to comment on some aspects of this question at this time.

The United States maintains two types of controls over the export of herbicides. Those substances which are preferred for defoliant use in military operations are under the licensing control of the Office of Munitions Control of the Department of State. In addition, two substances commonly called 2,4-D and 2,4,5-T are on the validated license list maintained by the Department of Commerce. Applications for licenses to export these substances would be subjected to scrutiny under the terms of the arms embargoes.

There has been no export of these substances to South Africa for military purposes. There are a wide variety of agricultural herbicides which are not under specific controls. These are substances which are manufactured by a large number of countries, are available from

diverse sources, and are in common agricultural use throughout the world. Portugal itself, for instance, manufactures a wide range of herbicides, including 2,4-D.

We have noted Mr. Agostinho Neto's letter to the United Nations Secretary General charging that Portugal is using herbicides for defoliant use in military operations in Africa. We cannot say whether those charges are true. However, there is no evidence or even allegations in the letter to the effect that herbicides under the control of the United States are being used for such purposes.

Mr. Chairman, in this opening statement I have tried to deal with some general aspects of the South African arms embargoes and to respond to specific questions you have raised.

I would like to supplement, if I may, this statement with a few further remarks which follow my reading over the last 2 days of the transcripts of the previous committee sessions on this subject.

I think it is important, Mr. Chairman, to define precisely what we are discussing. In my view, there is a tendency to suggest that major changes in U.S. policies have taken place with respect to the arms embargo and to suggest a level of support to the military efforts of South Africa and Portugal in Africa which are not substantiated by the facts. I believe it is clear from the statements of witnesses to date that the United States has not supplied since the imposition of these embargoes any arms or equipment of a strictly military character not covered by previously stated exceptions to either of these areas.

I believe it is also pertinent to point out that the arms and military equipment on which these areas depend are supplied not from this country but from Europe, or are manufactured by the countries themselves.

What we are discussing is that area of items of essentially a civilian character which conceivably could be adapted for use in the support of military operations. We are discussing civilian aircraft, computers, agricultural defoliants and civilian electronic equipment. I do not argue, Mr. Chairman, that these are unimportant to a country's ability to wage war or to maintain internal security. I do argue that in the face of problems in our own aerospace industry, in the light of balance-of-payments problems, and in the face of severe competition from others the question of whether restraint shall be put on the sale of civilian items because of their possible use in support of a military effort is not an easy one. I do stress also that in presenting the problems and the decisions we are talking about restraints which we place on our own commerce more strict than those being applied by any other country.

Finally, I stress that we are not talking about those basic sinews of war—guns, ammunition, fighter bombers, tanks, armored cars, all of which since the embargoes went into effect have been supplied from non-American sources.

There has been much discussion about how we can be sure that items we have sold are not being used improperly. Our means admittedly are not perfect. The representative of the Department of Defense described how we make use of our diplomatic missions, our consulates, our MAAG's, and our attachés for these purposes. I should add that we have on many occasions said to the African nations that we are prepared at any time to examine any evidence that they can pro-

duce that items are being used in Africa in violation of our arms embargoes. I have stated this several times publicly in Africa.

The companies which manufacture civilian items in this country are also interested in seeing that they are not misused. I wish to repeat further that we are prepared to examine any evidence which any of the previous witnesses to this committee may wish to bring forward. To date we have not seen any conclusive evidence of violations of the embargoes as we administer them.

I must confess also, Mr. Chairman, to a certain disquiet at allegations regarding our policies toward southern Africa set forth by those who have an interest in portraying these policies in a certain light, and at the representation of such statements suggesting that these are in fact our policies. I refer to the extensive statement by South Africa's Admiral Biermann quoted by one witness. I would suggest, as the committee has very helpfully done, that the appropriate statements of policy should be sought from those of us who make them and that there are not, as some have suggested before this committee, hidden areas of policy toward Southern Africa.

There are continuing references in the testimony to NATO weapons. There are no NATO weapons in Europe, in Africa, or anywhere else. There are weapons manufactured by individual countries to agreed NATO specifications, but they are national weapons and the nations of manufacture are responsible for their disposition. The United States, therefore, has neither control nor a role in the disposition of weapons manufactured by other nations not containing our components, or made under our license, whatever the relationship to NATO standardization.

Mr. Chairman, as one who has had a major share in the administration of the arms embargo over the past 3½ years, I believe we have conscientiously and positively followed the meaning and the letter of the U.N. actions and of our official statements at that time. There have been decisions, some affirmative and some negative, in the difficult gray area, but these in sum have represented a continuation of our basic and declared policies. While these policies involve other agencies, I shall be prepared in my discussions with you to admit to the key role of the Department of State in many of these decisions and to assume the responsibility for them.

Thank you, Mr. Chairman.

Mr. Diggs. Thank you, Mr. Secretary.

Mr. Secretary, from several sources there appears to be an indication that the President is considering attending the 10th Anniversary of the Organization for African Unity in Addis Ababa on or about the 25th of May. Is there any such possibility?

Mr. Newsom. I know of no plans in that direction, Mr. Chairman.

Mr. Diggs. And there is not any invitation being solicited on behalf of our Government for such an appearance?

Mr. Newsom. Well, we have the very important anniversary of the OAU very much in mind in our planning. We have received no invitation from the OAU suggesting an American presence or non-African presence on this occasion. The President has publicly declared his intention at some point to visit Africa, but there are no immediate plans that I know of, Mr. Chairman.

Mr. Diggs. Well, by implication there is a realization that this is

a very important event and I am happy to note that our Government so considers it. I wondered if you were at liberty to give us some indication about what we may have under consideration that is relevant to that event as a juncture in the whole development of African independence.

Mr. NEWSOM. I have nothing that I can share with the committee at this time, Mr. Chairman, because the plans are still in a formative stage, but I am certainly aware of your very keen interest in this, and as soon as the things have progressed to a point where we have something definite to say I will see that you are informed.

Mr. DIGGS. Could we have a copy of your London speech for the record?

Mr. NEWSOM. Yes. I don't have it with me.¹

Mr. DIGGS. Turning to the Azores agreement, as I indicated in my opening remarks, whether one agrees with its motivation or not that agreement obviously generated a great psychological boost to the Portuguese, and I just wondered if you would comment on it in that context. I have other questions about its economic benefits, but would we not agree that it did offer a great psychological boost?

Mr. NEWSOM. Well, I have seen nothing, Mr. Chairman, in my reading of the Portuguese, or in my very limited association with them, to suggest that they attach that kind of importance to this agreement. I judge that at least some interpretation of the provisions of this have created problems for the United States in the relations to some of the African countries, but I don't have the impression that it is considered in the same light by the Portuguese.

Mr. DIGGS. We have been advised that the \$400 million in export facilities for Portugal could have been given without the agreement. Could you explain then why it was necessary to include this element in the package?

Mr. NEWSOM. I am really not personally acquainted with the history of the inclusion of that figure, Mr. Chairman. I would only stress as you have said that that figure is a suggestion of what conceivably might be available for Export-Import Bank financing in the metropolitan Portuguese development plan provided American firms can be competitive, and provided the Portuguese meet the conditions of the Export-Import Bank.

I would merely point out, to suggest its significance, that in the 16 months of the agreement the total amount of Export-Import Bank credits that have been made available to the Portuguese is \$900,000.

Mr. DIGGS. Well, the inclusion of that reference in the original deal, this enormous amount of money mentioned when this matter was first publicized, is the one that has impact. I don't think you could find in the obituary pages of the communications media any interests or any reference to the fact that this has only been implemented to the tune of the amount that you just mentioned, and since it was not necessary to mention it in the first place it is within that context that I pose the question about this psychological boost to the Portuguese military regime. If in fact we had no intention of implementing it, or if it was going to be implemented in an insignificant way as you suggest, then why was it mentioned in the first place?

¹ Mr. Newsom's speech appears in the appendix at p. 259.

Mr. NEWSOM. Well, as one who has had the not enviable task of explaining this figure in African terms, I would like to be able to supply the answer to that, Mr. Chairman, if I had it, but I don't have it.

Mr. DIGGS. Now the agreement expires in 1974. Is there any expectation that there will be any further deal of this type?

Mr. NEWSOM. I know of no plans at the present time for further negotiation of the agreement. This does not mean, however, that in the judgment of the Executive further use of that facility may not still be necessary.

Mr. DIGGS. Let's talk about the implementation of the Azores agreement. What Ex-Im loans and guarantees have been made available since the agreement?

Mr. NEWSOM. I mentioned the figure of \$900,000, Mr. Chairman, and I think it encompasses a group of small items. We will supply that for the record.

Mr. DIGGS. All right.

[The information referred to follows:]

Printing press-----	\$3,000
Crane-----	85,000
Increase in loan for locomotives-----	58,000
Steam generator-----	815,000

Mr. DIGGS. What applications for Ex-Im exposure are being considered at the present time?

Mr. NEWSOM. We know of none, Mr. Chairman.

Mr. DIGGS. What about the oceanographic survey vessel that we loaned, the U.S.S. *Keller* I think it is called?

Mr. NEWSOM. Yes. It has been turned over to the Portuguese.

Mr. DIGGS. It is now operating. Was there any consideration for this loan, any compensation?

Mr. NEWSOM. For the ship?

Mr. DIGGS. For the loan of the ship.

Mr. NEWSOM. For the loan of the ship. It was part of the package which encompassed the extension of our rights at the Azores.

Mr. DIGGS. When will it be returned?

Mr. NEWSOM. It is an indefinite use, an indefinite loan, as are other loans of vessels in such situations.

Mr. DIGGS. Well, indefinite but not beyond 1974.

Mr. NEWSOM. I don't have that information, Mr. Chairman.

Mr. DIGGS. How much excess equipment has been handed over?

Mr. NEWSOM. None, and as far as I understand there has been no application.

Mr. DIGGS. What about the MAAG payments? What is their status?

Mr. NEWSOM. I believe that was covered in the testimony of the Defense Department representative, was it not, Mr. Chairman?

Mr. DIGGS. I don't recall just offhand.

Mr. NEWSOM. If not, I will try to provide that, but that is something within their purview.²

Mr. DIGGS. How does this whole agreement fit in with our policy that our NATO allies bear a larger share of U.S. military costs?

Mr. NEWSOM. Well, I recognize in psychological and political terms.

² The Department of State advises that no MAAG payments will be made during the period of the base agreement extension.

Mr. Chairman, the relationship of this kind of an agreement with Portugal to our African policy, but it is in its details the responsibility of the Assistant Secretary for European Affairs, and I am not in a position to comment on that aspect of this relationship.

Mr. DIGGS. Did you have any discussions about the Azores agreement while you were in Lisbon?

Mr. NEWSOM. None at all, Mr. Chairman.

Mr. DIGGS. Mr. Biester.

Mr. BIESTER. Thank you, Mr. Chairman.

Mr. Secretary, I think you have done these hearings a great service in some of the remarks you made in the additional statement you have offered. I look forward to reading that in more detail.

But summarizing my impression from what you said, am I correct that you pointed out that more than any other country we make an effort with respect to that material which is essentially civilian but may have some tangential military application to screen export of such material from our country to Portugal and to South Africa?

Mr. NEWSOM. That is correct, Mr. Congressman.

Mr. BIESTER. And by that are we not therefore in a position unique in the world?

Mr. NEWSOM. I know of no other country which makes as conscientious an effort to survey and to administer, if you will, the non-military exports with military implications to these areas of southern Africa.

Mr. BIESTER. Then also, with respect to South Africa's armaments, if we were to pull Jane's Books on Aircraft, for example, for the most recent years, would you have any notion where South Africa would range so far as air force in the world?

Mr. NEWSOM. We don't have that information, Mr. Congressman. It has an appreciable air force, and I might add that in the way that these things seem to happen virtually unnoticed in both Africa and the United States was the recent acquisition of Mirage aircraft.

Mr. BIESTER. Well, you have opened the door to my next question. What countries do supply arms to South Africa? I take it the British do from—

Mr. NEWSOM. Well, the British announced at the time that the conservative government came into power their willingness to examine orders for certain types of largely naval equipment. My impression is that there have been no transactions yet under that announced policy. South Africa manufactures, I think, more and more of its own armament, but it does buy from a number of European countries. There are lists of such acquisitions, I believe, that we have from public sources which we could supply for the record.

Mr. BIESTER. I would appreciate that personally.

Mr. NEWSOM. Yes.

[The information requested follows:]

The Arms Control and Disarmament Agency recently submitted to the Congress a report entitled *The International Transfer of Conventional Arms*. This report may be too extensive for inclusion in the present record, but is being submitted herewith for the Subcommittee's information. The report was originally submitted in January, 1973, pursuant to Section 302 of the Foreign Relations Authorization Act of 1972.

(The Committee has extracted the information from this report to obtain a responsive answer. Table III of the above report on "Arms Trade. Recipient

Countries by Major Suppliers, Cumulative, 1961-71" on page A-15, gives the following data on major suppliers of arms to South Africa:

Total: 294*; United States: 40, United Kingdom: 97, France: 145, Federal Republic of Germany: 1, Soviet Union: 0, Poland: 0, Czechoslovakia: 0, Canada: 0, People's Republic of China: 0, Others: 11.)

*In millions of dollars as of January 1973.

Mr. BIESTER. From your own information, would that include France?

Mr. NEWSOM. It does include France. It includes other countries in Europe as well.

Mr. BIESTER. Does it include any of the Northern European countries?

Mr. NEWSOM. I don't believe so. I think that France is the major supplier.

Mr. BIESTER. It seems to me, Mr. Chairman, what we have just heard deserves as much currency in Africa as the Azores agreement does so that there may be no misunderstanding on the part of both the white regimes and black governments and the liberation movements as to where the United States stands with respect to that situation.

I appreciate the testimony, Mr. Secretary.

Mr. NEWSOM. Thank you, Mr. Congressman.

Mr. DIGGS. Mr. Secretary, the Foreign Military Sales Act requires that our transactions be in the context of strengthening the security of the United States and promoting world peace, so I am seeking an answer from you as to how that determination was made for Portugal. Also, there are some people who think that the 620(m) waiver for Portugal was made in order to avoid the limitations set out by Congress against providing such assistance to an economically developed country, so it is important that we get some kind of answer on that because I am just as interested as you are and the gentleman from Pennsylvania in setting the record straight. If there are some allegations that have been made by previous witnesses that confuse the record, this is an opportunity to get them straightened out. This is one very important point.

Mr. NEWSOM. Well, Mr. Chairman, so far as I know, and I am prepared to be corrected on these matters as well as anyone else, this has not been applied at all to South Africa since we have not sold any military equipment, and certainly we have not sold anything so far as I know under the military sales——

Mr. DIGGS. Did I say that?

Mr. NEWSOM. You said the area.

Mr. DIGGS. Portugal.

Mr. NEWSOM. What we are discussing is Portugal. I know you put this question to Mr. Noyes the other day about whether there was a presidential determination in connection with the supply of equipment to Portugal, and I, if I understand correctly, he was supplying that information for the record.

Mrs. BUTCHER. Mr. Chairman.

Mr. DIGGS. Does Counsel have an intervention?

Mrs. BUTCHER. Yes, because since those questions were put to the Department of Defense we have ascertained that the Department of State did transmit to the House Foreign Affairs Committee at the beginning of this year the findings under the Foreign Military Sales Act.

Mr. NEWSOM. With respect to Portugal?

Mrs. BUTCHER. With respect to Portugal. That furnishing of defense articles, or defense material would strengthen the security of the United States, and promote world peace.

Then there is a second question there, I believe, that whether or not we are going to make another determination, and why was the determination made under section 614 of the Foreign Assistance Act to waive the provision of 620(m) not to provide certain types of services to economically developed countries. Now this was in connection with the Azores agreement.

Mr. NEWSOM. It was in connection with the Azores agreement. It has no application to Africa, but I will consult with Mr. Noyes just to be sure that the committee has a correct response on this.

Mr. DIGGS. Part of the trouble in this whole area of defense, Mr. Secretary, is of course the easy conversion of this equipment, and the kind of response that we get appears to suggest that we should not go beyond the surface on this matter and question the end use of equipment that might be so converted. If one was to accept your statement about the conscientiousness of the policy, one would have trouble in view of the obvious end use of this kind of equipment.

You state that it is our policy to sell civilian aircraft to Portugal if it is for civilian use. Then the natural question is what about the Boeing 707's, and you could go right on down the line. It makes it very difficult for this panel trying to evaluate this whole proposition on an objective basis to accept this kind of explanation.

Mr. NEWSOM. Well, Mr. Chairman, I welcome the chance to set the record straight on this. As I said in my supplemental statement, my reading of the hearings to date suggests that all of the suggestions of departure from the arms embargo have to do with this area of dual purpose equipment which can be adapted in some form or another, or it can be used in support of military activity.

Now I think I would welcome the chance this morning to get down to specifics and to talk about each of the items which may be on the committee's mind.

Now the first is 707's for Portugal. This, Mr. Chairman, was a very difficult decision. American manufacturers are the principal world suppliers of large civilian aircraft. Portugal has long relied primarily on U.S. manufactured planes for its passenger and air freight services. For many years we have been the primary suppliers to TAP, which is partly owned by the Portuguese Government, of aircraft which I am sure carried a great variety of people and cargoes to Portuguese African territories.

The request by the Ministry of Civil Aviation of Portugal to purchase these two aircraft was very carefully considered, and while I realize this is perhaps not a factor in the kinds of concerns that you have expressed, it came at a time, as you may remember, that was critical in the American aerospace situation. The decision was made to sell these aircraft to the Civil Air Authority in Portugal and to sell them without restrictions.

Now it again is perhaps a fine line, and one that members of the committee would debate, but we see a distinction between the use of unadapted aircraft which can have no conceivable combat role or logistical role within a combat zone, and aircraft which obviously has

a direct support function in a military situation. This was, as I say, a difficult decision, and it was one of those that I have mentioned as being in this area, and as being the result of the consideration of a number of very difficult factors.

Mr. DIGGS. Well, there again you have raised collaterally or made another reference collaterally to another point that certainly troubles me when you related this matter to the commercial aspects of it, and perhaps even the political aspects. You talk about balance of payments and the aerospace industry, and you bring in these kinds of factors. I am troubled by our policy being dictated by a few planes that even in that context could put us into so much trouble with one-third of the rest of the world. I just can't understand your even making any reference to the possibility that the decision was based upon our balance-of-payments problems, or some political pressures that came out of the State of Washington, or some other State that has an aerospace employment problem.

Mr. NEWSOM. I cited this, Mr. Chairman, as one of the elements, and I think it should be recognized that quite naturally there are those outside of the Government who because of the state of the aerospace industry have from time to time approached us about the sale of aircraft far more closely related to military activity, and these have been totally discouraged.

Mr. DIGGS. I guess also part of our problem here involves a definition of what is military equipment. What is the Department's definition of military equipment? Radar equipment? Communications equipment?

Mr. NEWSOM. Well, this is the heart of the administration of the arms embargo, Mr. Chairman, as those who have worked on it know. This is the essential question.

Now everything that is clearly manufactured for a military purpose, even to trucks and things which have special kinds of power units and so forth for use in rough terrain for military purposes is clearly excluded. The problem relates to the area of items which are not manufactured with any military purpose in mind, but which conceivably can play a role in a nation's military effort. This is what really, I think, is the heart of your hearings, and it is at the heart of the number of difficult decisions which we have to make from time to time in connection with this matter.

The question came up also in connection with the sale of light aircraft, and we made the decision as far as South Africa was concerned that we would not sell to the South African military any light aircraft that conceivably, by any standard, could be adapted or have equipment added which would make it of use in direct military operations. So, as I say, you have put your finger on the heart of the problem.

Mr. DIGGS. Let's talk a moment about the question of componentry. You said on page 4 that applications for export of U.S. componentry are also examined under the terms of the arms embargo.

Now, could you tell us what this means? Does the arms embargo permit their sale?

Mr. NEWSOM. It does not. Their sale is permitted under the same terms that the sale of major items of total U.S. manufacture are permitted, and those items which contain U.S. components that are

on the munitions list are reviewed under the same policies which govern total items sold by the United States directly.

Mr. Diggs. Have you ever had any applications for licenses for third party componentry that have been denied?

Mr. NEWSOM. Well, I know that to put it the other way around, we have not authorized any equipment that I am aware of that has U.S. military componentry in it.

Mr. Diggs. What about the U.S. componentry for the Atlantique?

Mr. NEWSOM. That has not been authorized for sale to South Africa.

Mr. Diggs. On page 2 of our letter to the Department we asked for full data on pending cases. May we anticipate an answer to that?

Mr. NEWSOM. Yes, and the answer is that there are no pending cases.

Mr. Diggs. On page 5 you acknowledge that we have licensed three—is that Shrike Commanders and one model 690 Commander?

Mr. NEWSOM. Well; we have licensed a variety of aircraft for sale to Mozambique.

Mr. Diggs. Is that Export-Import Bank financing that has been involved in those transactions?

Mr. NEWSOM. That is right.

Mr. Diggs. Are these loan or credit guarantees or discount loans to North American Rockwell?

Mr. NEWSOM. They are combinations of loans and guarantees.

Mr. Diggs. How much are we really talking about there?

Mr. NEWSOM. Well, we are getting the dollar amount for you from the Department of Commerce, but I would like to make the point on these aircraft that we seek to insure that they are not to be used for military purpose, or to be adapted for military use, and in this connection I repeat again that we welcome any indication from any source that our judgment in this case was in error.

[The information referred to follows:]

The Export-Import Bank advises that a search of its records since 1964 does not reveal any support of aircraft sales to Mozambique prior to 1972. There follows a table of Export-Import Bank support for aircraft exports to Mozambique to date:

1972: Commercial bank guarantees.....	\$470,000
1973: Commercial bank guarantees.....	1,370,000
Cooperative financing facility program.....	700,000

Mr. Diggs. Well, by the same token, if we are to uphold our reputation for having the most conscientious policy of all the governments of the world, we have our own people in these countries. What part are they taking in the monitoring system, because who else in Mozambique would be able to examine the end use of this kind of aircraft? Certainly the Mozambiquans are not going to do it and give any report given the kind of government that they have over there. I can't do it because they would not let me in Mozambique in December. The only people we have over there is our own mission.

So the question is in that regard and not in connection with the statement that you just made, how much commitment do we have with respect to our mission's monitoring these things in the field?

Mr. NEWSOM. Well, Mr. Chairman, we do not undertake a consistent monitoring system of the use of American equipment which is sold in Mozambique and Angola. We have three officers in our consulate in Lourenco Marques, obviously a staff that is incapable of that kind of

wide monitoring even if it was feasible. But what we do depend upon, and our people in the field are instructed very precisely, is to take every lead that may come from any source, whether it comes from an African source or from a journalist, or whatever it may be, which suggests the misuse of American equipment and seek to trace it down.

There recently was a journalist who went into northern Angola with some of the liberation movement people and came out and made a statement in Zambia that American equipment was being used by the Portuguese. We immediately instructed our embassy to get in touch with the journalist and to interview him. He said, well it was not American equipment, it was NATO equipment, and it turned out to have no relationship to the United States.

Recently there was displayed in Zambia an item that was allegedly of American manufacture—I think Mr. Noyes mentioned this in his testimony. We had it flown back here and examined it and it turned out to not be of American manufacture. In all of my conversations with the Tanzanians and Mozambiquans and the Zambians, those who are in this area, I have stressed our conscientiousness and interest in tracking down every report that may come from African sources of the misuse of American equipment. We have not had very many, and those that we have had have turned out to be equipment from some other source.

Mr. Diggs. Has our Government made any representations, oral or written, to the Portuguese, on the end use of this equipment, and on the subject of herbicides?

Mr. Newsom. We make representations to the Portuguese. Mr. Chairman, where we have evidence or some reason to suspect the improper end use of equipment of American origin. We do require, as you know, from the Portuguese assurances regarding the nonuse of strictly military equipment that we give them in the Portuguese territories.

We have not made any representations to the Portuguese on herbicides because there is no evidence that any American herbicides have been exported to Portugal and are being used for military purposes. As I pointed out in my statement, the statement of Mr. Neto that you referred to made no reference to any herbicides of U.S. origin. I might add also that neither has any United Nations organization followed up on the allegations of Mr. Neto's letter.

Mr. Diggs. Could you tell us something about the prosecution of the Chrysler Corp. for selling amphibious vehicles to the Portuguese?

Mr. Newsom. I am not quite sure where this stands in the courts, but I can say, Mr. Chairman, that this was not a charge made under any suspicion or violation of the arms embargo. It was a charge made by virtue of the export of these engines to Portugal without any license whatsoever, so it is under the export license regulation.

Mr. Diggs. Are there any similar cases, similar investigations going on at this time?

Mr. Newsom. I know of no other cases that are under investigation or that have been brought to our attention.

Mr. Diggs. Well, we keep getting back to this question about the end use of items sold to the Portuguese. Our Government does not really believe, does it, that the Portuguese are going to tell them that the end use of any of this equipment might be military? Isn't that a little naive?

Mr. NEWSOM. Well, Mr. Chairman, I suppose it could perhaps seem to be, but I can recall instances over the last 3½ years where there have been feelers to us about the possible export of items to the Portuguese, and not by the Portuguese themselves but by exporters; and when we inquired into what the potential use was going to be it became quite clear that these were items about which we could not get the kind of assurances from the Portuguese that we required and the matters were dropped. I can only cite the fact that to the best of my knowledge, we have not seen any indication of Portuguese violation of the assurances that they have given us, or any indication of an effort to obtain material from us under false statements of end use. I think as a result the Portuguese go to a great many other suppliers for the kinds of things for which we would normally request an assurance.

Mr. DIGGS. Well, you have a list of the purchasers of items subject to validated license control I assume in these areas.

Mr. NEWSOM. This gets into an area of confidentiality under the Export Administration Act.

Mr. DIGGS. There have been complaints, and rather direct complaints, made by some apartheid or antiapartheid South Africans entering the United States that they are closely questioned by immigration officials, and these officials are alleged to show a rather detailed knowledge about their activities and their contacts that would appear to suggest some kind of intelligence liaison with the South African Special Branch in the very nature of the questions. Is this a fair evaluation or feeling on the part of these people?

Mr. NEWSOM. This is the first I have heard of this, Mr. Chairman, and again if we could have the facts of particular cases we would be very glad to look into them.

Mr. DIGGS. I defer to Counsel at this stage.

Mrs. BUTCHER. Mr. Secretary, could you elaborate on the meaning of the assurances for us, please? Do they mean that where equipment has what we consider a military use that we request assurances that that equipment will not be used in Africa by the Portuguese, or do they mean that where it is in the balance, that is the question of civilian or military use, that we permit the Portuguese to buy them for use in Africa, but request an assurance that they will not be used for military purposes?

Mr. NEWSOM. I was just looking for the exact information. This applies, if I am correct, to munitions items and to items on other lists which are sold to the Portuguese military and it is an assurance that they will be used only in the NATO areas as defined in the North Atlantic Treaty.

Mrs. BUTCHER. In your statement, Mr. Secretary, you mention the sale of spare parts or equipment for torpedos. Was that recent?

Mr. NEWSOM. We will get the exact dates. They were in connection with contracts entered into before 1963, and I think they delivered at intervals after the embargo. There were all together two shipments.³

Mrs. BUTCHER. You spoke of maintenance services also for the Lockheed planes that were sold on the preexisting contracts and you are going to try to supply the information for the record including the

³ See p. 132.

types of services that were performed, the value of the services, and the specific provision of the contracts imposing the obligations.

Mr. NEWSOM. That is right. We will see that the committee gets it, but part of this is in the defense community itself to provide.⁴

Mrs. BUTCHER. There is just a little point under the Foreign Military Sales Act which has to do with the furnishing of defense articles and defense services to South Africa. The Department of Defense did say that certain technical order publications and other items were sold, but the jurisdiction with respect to the determination is within the Department of State. I have not been able at this point to find the determination under section 3 of that act which is required for the furnishing of defense articles; that is, if these are considered defense articles.

Mr. NEWSOM. Well, if I remember the Defense testimony though they were not quite sure themselves.

Mrs. BUTCHER. They didn't know about it.

Mr. NEWSOM. Two thousand dollars worth of unclassified defense manuals, but they were not clear as to what authority that was sold under, and I would feel that this should be referred to them.

Mrs. BUTCHER. The only reason I mention it, Mr. Secretary, is that it is the Secretary of State that has the responsibility for making the determination and it would be appreciated if your Department could check this.

Mr. NEWSOM. Well, in this area where unclassified publications are freely available, and where anyone can walk in and buy it off of a shelf, there is obviously a point at which it is difficult to restrict the sale.

Mrs. BUTCHER. But could a legal opinion on that be provided for the record?

Mr. NEWSOM. We will talk to Defense.

[The reply of the Department of State follows:]

We understand that the Department of Defense has replied in full to this question.

[COMMITTEE STAFF NOTE: It is to be noted that the Department of State refused to answer this question after numerous inquiries with the stated reason that the Department of Defense had replied, notwithstanding the specific language of the statute (Sec. 2 of the Foreign Military Sales Act):

"Coordination With Foreign Policy.—(a) Nothing contained in this Act shall be construed to infringe upon the power or functions of the Secretary of State.

(b) Under the Direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales under this Act, including, but not limited to, determining whether there shall be a sale to a country and the amount thereof, to the end that sales are integrated with other United States activities and the foreign policy of the United States is best served thereby.

(c) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.]

Mrs. BUTCHER. You said that when we sold the 707's that they were sold without restriction. Did we have any indication that Portugal might use them for a military use for the transport of troops?

⁴ See p. 132.

Mr. NEWSOM. Well, they were being sold to the Portuguese Directorate of Civil Aviation, and we assumed they would be used for all sorts of Portuguese governmental purposes.

Mrs. BUTCHER. This is just for clarification purposes, Mr. Chairman.

In your statement, Mr. Newsom, which followed your prepared statement, you seem to indicate that it is interpretation basically about which we are concerned, interpretation in the gray areas, and I guess concern would arise as to changes in interpretation. Have there been such changes other than the one with respect to the light aircraft which you announced in Chicago?

Mr. NEWSOM. No. I attempted in that Chicago speech to lay out all the determinations that had been made, both affirmative and negative. I mentioned in the same speech that we had made the decision to turn down applications for the sale of a very substantial quantity of strictly military aircraft. The decisions which were made were decisions which the administration felt compelled to make on a number of applications that had been pending for quite some time and which were reviewed together, and out of this review the decision was made to adhere to the principals of the embargo as far as anything with a military application is concerned, to limit any exceptions to that very modest one which, as I said in my statement, the South Africans have not taken advantage of.

Mrs. BUTCHER. Ever since the early sixties it has been the position of the United Nations that Mozambique, Angola, and Guinea-Bissau are not Portuguese territories, and yet it has been the position, as I understand, of the Government of Portugal that these are.

There has been some concern expressed as to what our position is. Do we consider the relations between Portugal and so-called African colonies as internal affairs?

Mr. NEWSOM. I don't think there is any doubt in the minds of the Portuguese that we look upon these three territories as colonies.

Mrs. BUTCHER. One last question, Mr. Chairman.

There was quite a bit of concern expressed at one of the hearings on the sale by the U.S. exporters of crop-spraying planes to the Portuguese. Could you comment on this?

Mr. NEWSOM. Yes. I believe the Department of Commerce supplied a chart which showed three transactions with a total of five aircraft for agricultural crop spraying. Now here again I would stress what I have said before, that as I recall the witness suggested that these could conceivably be used for military purposes. There was no suggestion that there is any evidence that they are in fact being used for military purposes, and we are open to any indications that that is the case.

Mrs. BUTCHER. That is all, Mr. Chairman.

Mr. DIGGS. Mr. Secretary, why do you think South Africa refused to sign the Nuclear Proliferation Treaty?

Mr. NEWSOM. I would like to answer that question for the record, Mr. Chairman, because I am not familiar with all of the details. I know that it is a question of safeguards, it is also a question of the fact that South Africa is itself seeking to develop certain techniques in this field and it involves other areas of the Department than my own, so I would like to supply that for the record.

[The reply of the Department of State follows:]

We understand the South African Government position is that it will give serious consideration to signing the Non-Proliferation Treaty once it is satisfied that the safeguards procedures would not risk disclosure of its new enrichment process.

Mr. Diggs. Well, the South Africans have repeatedly said that they have the necessary technology for making nuclear weapons, and the committee is quite concerned about the possible military application of their nuclear capability as long as they refuse thus far to sign the treaty. Would this not be a concern of a department of our Government in that connection?

Mr. Newsom. It would indeed be a major concern, as is the development of nuclear weapons in any part of the world, particularly if they are not incorporated in any safeguard arrangement.

Mr. Diggs. One of the troubles that we have with our own credibility is the observance of our personnel visiting in certain areas in these Portuguese territories. For example, there was a press report that the U.S. Consul General at Lourenco Marques visited Nangade, that is in the northern war zone of Mozambique, at the invitation of the commander in chief. This was in the Agence France Pres on the 24th of October last year.

Mr. Newsom. Well, Mr. Chairman, we obviously have a dilemma here because on the one hand we are very keenly interested in knowing as much as we can about the circumstances within the Portuguese territories, and on the other hand there is, if I interpret it correctly, the concern of the committee that visits by Americans would seem to imply some support for the Portuguese. It is our policy to encourage our people to make visits, and frequently the only kinds of visits that are possible are visits under the arrangements of the authorities. I would consider that the visit by the Consul General under these circumstances was a normal and hopefully a useful part of his duties in Mozambique.

Mr. Diggs. Well, could you supply the committee for the record a list of all of these visits?

Mr. Newsom. There have not been very many.

Mr. Diggs. Well, for the past 5 years we would like to take a look at the visits of any of our foreign service personnel to these territories with an indication of the reasons. It should include field trips from our post of Luana Lourenco Marques, any of these disputed areas, so that the committee can make some kind of evaluation about these contacts.

Mr. Newsom. We will do our best, Mr. Chairman, but I hope you would appreciate that the travels within the areas of their jurisdiction by our consular officers and Lourenco Marques, and Luanda are as frequent as they can be and they may not necessarily be totally documented.

[The reply of the Department of State follows:]

No record is kept of the travels of Consulate General personnel within Angola and Mozambique. Such travels are a part of their normal consular duties and are expected to occur frequently.

Mr. Diggs. Is there any way of our knowing whether some of the military or officers from South Africa that are in training are not from South Africa but Portugal, or from their intelligence units competing—

Mr. NEWSOM. I don't have the answer to that question, Mr. Chairman. That is not always an easy thing to tell.

Mr. DIGGS. There was a report, again in the newspaper, the Daily Telegraph, which is considered rather conservative in England, that suggested rather strong links between our intelligence agencies, and it is these kinds of reports that affect our credibility. If there is an explanation, then I think that consistent with your desire to keep the record straight the committee ought to be apprised of it.

Mr. NEWSOM. Well, I would like to say for the record, Mr. Chairman, because I know I have read in some of the other testimony suggestions in this area, that we not only have no responsibilities to convey to the Portuguese or the South Africans information on black Africa, but we conscientiously insure that this is not done.

Mr. DIGGS. Are there any controls imposed on a U.S. subsidiary in Portugal which manufactures chemicals subject to validated license control in the United States? For example, we know that Dow Chemical is in Portugal.

Mr. NEWSOM. Only if the materials that they were using to manufacture were exported from the United States.

Mr. DIGGS. Do you have any supplemental?

Mr. NEWSOM. No, no supplemental. Mr. Chairman.

Mr. DIGGS. Is there any truth to the information that ITT has applied for a license to sell communications equipment to South Africa?

Mr. NEWSOM. No. We have seen no license applications.

Mr. DIGGS. Do you have any final interventions?

Mr. NEWSOM. I should add, Mr. Chairman, that we would see an application for sale only if it was equipment which was either on the munitions list or the Department of Commerce validated license list. If it was equipment which was on neither list, I can't quite conceive of what that would be, but we would not see the application.

My colleague, Mr. Haught, suggests I correct the record on the British sales to South Africa. There have been press reports which I have not heard substantiated from British sources that they have sold a few helicopters for use on naval craft, but as I say that is not something that we can substantiate.

Mrs. BUTCHER. Mr. Chairman, I believe there are certain documents that should be entered into the record. One, a letter to the Secretary of State from the United Presbyterian Church regarding some alleged happenings in Mozambique.

[The letter referred to follows:]

JANUARY 3, 1973.

HON. WILLIAM ROGERS,
Secretary of State, State Department,
Washington, D.C.

DEAR MR. SECRETARY: I am writing you in my capacities as President of the World Alliance of Reformed Churches (Presbyterian and Congregational) and as Stated Clerk of the General Assembly of the United Presbyterian Church in the United States of America. Both of these bodies are profoundly concerned with the humanitarian interests and issues which affect the lives of the black majorities in the area known as Southern Africa. We have shared this concern with our Christian brothers and sisters in that area who are also members of the World Alliance of Reformed Churches.

Therefore it was with great dismay that on December 12, 1972 we learned of the alleged "suicide" of the Rev. Zedequias Manganhela on the night of December 10-11, 1972 in Machava prison. Mr. Manganhela, aged 60, and President of the Presbyterian Church in Mozambique, was arrested on June 13, 1972 along with

30 other members of his denomination, including the vice-president of the Synodal Council, and at least seven of whom were between the ages of 60-75.

On December 19, 1972 the office of the World Alliance of Reformed Churches in Geneva was informed of the death of Mr. Jose Sedumo, aged 60, member of the church council in Manjacaze, and one of those arrested on June 13. According to the police, Mr. Sedumo had also taken his own life on July 21. The place of his burial had not been revealed and his family were not informed of his death until mid-December.

On December 19 the WARC wrote to the Chairman of the Commission on Human Rights of the United Nations expressing its "extreme sorrow, shock, and growing anxiety that the WARC and its member churches have received the announcement of these two "suicides", when the interrogation of other prisoners is continuing in an apparently intensified form."

In addition the WARC publicly expressed disquiet about the imprisonment of these leaders to His Excellency the Ambassador of Portugal in Bern on July 3, 1972. We also urged that His Excellency Dr. Marcello Caetano, Prime Minister of Portugal, order an independent investigation into the circumstances and motivations leading to these deaths and make known the results.

The arrest, prolonged detention without trial or judgment, and continued interrogation of these persons in Mozambique is not an isolated instance. Members of the Roman Catholic faith and hundreds of persons were arrested in June, while others have been detained for years. The Portuguese authority in Mozambique as well as in their other African colonies have long been impervious to world opinion calling for an end to their anachronistic and harsh rule in Africa. We note that they have repeatedly employed terrorizing tactics on the population both through the offices of the security police and through the use of large scale armed forces.

Our nation, which supplies military equipment to Portugal as an ally in the North Atlantic Treaty Organization, has an obligation to impress upon the Portuguese authorities their responsibility to uphold and not suppress the legitimate rights of people to freedom, justice and self-determination.

I write, therefore, to urge your immediate intervention at the highest level with the Government of Portugal to request information about the circumstances and motivations leading to the deaths of Mr. Manganhela and Mr. Sedumo. The fact that they were both 60 years of age, that news of Mr. Sedumo's alleged "suicide" has been withheld for six months, and that they were indicted for subversion because of their alleged interpretation that their church had autonomy from the churches of Switzerland, all give us real pause about the nature and administration of justice in this case.

Not only for the sake of the families and friends of these two men who have died, but also on behalf of those others who are still under interrogation, and on behalf of their families, your urgent attention to this matter is critical.

In the hope that you will act favorably upon this humanitarian request, I await your reply.

Yours sincerely,

WILLIAM P. THOMPSON,

Stated Clerk of the General Assembly of the United Presbyterian Church in the United States of America; President, World Alliance of Reformed Churches (Presbyterian and Congregational).

Mrs. BUTCHER. Then I believe that the relevant United Nations resolutions on the arms embargoes should be included in the appendix, as well as the relevant speeches of Ambassador Stevenson before the Security Council in 1963, and that, if Mr. Newsom wishes, any statements by the administration on its adherence to the arms embargo. A statement an U.S. aid to Portugal is also included.

That is all.

Mr. Diggs Well, thank you very much, Mr. Secretary, for your candidness within the limitations of your prerogatives.

Let me say personally that if we could rely upon the kind of conscientiousness that is obviously reflected in the way you carry on your responsibilities in certain other areas so far as Government has to deal with this matter, the committee's confidence would be increased several fold.

As you alluded to earlier in saying that we should be seeking appropriate statements from the policymakers, that to me further reinforces the necessity for having some dialog with other components that are involved in the United States-Africa policy, because we know it does not all repose in your Bureau. We know that there are other Departments; namely, Commerce and Defense, and the Department of the Treasury, that have a bearing on many of these problems.

We know that we have to deal with certain priorities that are established at the National Security Council level, and we know that there are other dimensions to this problem that are beyond our prerogatives at this time. And until we are able to get some kind of considerations and evaluations from these other levels, to that extent the committee is going to remain in its dissatisfaction that we are not dealing with this issue as conscientiously as I think we can.

We may be more strict than any other country in terms of the way we monitor this whole proposition, but that is to be expected of the country that considers itself to be the most enlightened in the world. Until we do reach some more reasonable amount of perfection in these matters, then a great deal of dissatisfaction is still going to remain.

I do want to commend you as we close the hearing on this very sensitive subject for your own cooperation with the committee to the extent that it is within your area of responsibility.

Mr. NEWSOM. Thank you, Mr. Chairman.

Mr. DIGGS. The meeting stands adjourned.

[Whereupon, at 12 noon, the subcommittee adjourned.]

APPENDIX 1

LETTER TO THE PRESIDENT ON U.S. EMBARGOES IN SOUTHERN AFRICA FROM BRUCE J. OUDS REQUESTING INFORMATION UNDER THE FREE- DOM OF INFORMATION ACT

ROUGH RUN, W. VA., *September 13, 1973.*

Mr. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Earlier this year I testified before the House Foreign Affairs Subcommittee on Africa as to my increasing inability to remain certain that there have not been several substantive changes in our embargoes on arms exports to South Africa and to Portugal for use in Africa. Your decision to continue these embargoes, now more than a decade old, certainly must be regarded as a barrier to the maintenance of the warm, friendly relations with the United States that Portugal and South Africa would like to have, but in my judgment your reaffirmation of the embargoes constitutes recognition that it is a diplomatic price the United States must pay willingly in order to keep the growing regional tension in southern Africa at arm's length. I note with interest that last year the U.S. rejected a total of \$9 million in non-military helicopter sales requested by the South African police and military. More recently I have learned that subsequent to my testimony either the U.S. denied the Atlantique, a long range naval reconnaissance aircraft, to South Africa or South Africa withdrew its request.

Nevertheless, after studying closely the testimony and submissions for the record offered by several Executive agencies, I am thoroughly convinced that there have been important changes in the scope of the embargoes due to, as one witness put it, balance of payments considerations and the state of the health of the aircraft industry among other things.

I feel certain you would agree that whatever our policy toward South Africa and Portugal is to be, it should not be so ambiguous as to be subject to misinterpretation. The interests of U.S. foreign policy, and therefore the national interest, is served by statements of policy, especially on so controversial a question as the arms embargoes, sufficiently clear so as not to be subject to miscalculation of South Africa and Portugal or other sovereign states or observers. Such clarity, of course, can go a long way toward stilling criticism emanating from these Americans and Black African nations who interpret continuing secrecy surrounding the embargoes as a strong indicator of U.S. duplicity in its policies implementing these arms embargoes.

Further, it might be appropriate to recall that on January 31, 1973, Mr. Elliot Richardson, the then Secretary of Defense, said in a public statement that "no information is to be classified solely because disclosure might result in criticism of the Department of Defense." Secretary Richardson added that "the provisions of the Freedom of Information Act are to be supported in both letter and spirit."

Therefore, Mr. President, I would like to request formally under the Freedom of Information Act, 5 U.S.C. 552, the following documents:

I. All guidelines used by the Executive branch on sales of U.S. goods and services to South Africa and Portugal from the inception of these embargoes together with any amendments to or deletions from or revisions of these guidelines.

II. The presently classified documents, copies of which the Department of Defense says it has made available to the House Africa Subcommittee on a classified basis, which list the name, rank, and serial number of each member

of the Portuguese armed forces who has received training from the U.S. government together with the record of each with regard to service in Portugal's African colonies.

IOD officials have said to me that to disclose such information might harm our bilateral relations with Portugal. Certainly, the imposition of our embargo on Portugal's use of American arms in Africa also harmed our bilateral relations with Lisbon. Yet the United States chose to do so as a matter of national policy. Such an explanation, then, is wholly inadequate. Some U.S. officials have intimated to me that this information is being kept classified because it has been furnished by Portugal. If true, this would indicate a serious shortcoming in the IOD's record keeping. However, I am not asking for disclosure of the source from which the information was obtained, only the information itself. Further, the Department of Defense has released information as to the courses of study followed by its Portuguese military students in the past six years. This shows a marked increase in the training of Portuguese air force officers. Most of these students appear to have been fighter pilots and many of them appear to have received training in U.S. techniques of flying combat support missions. Continued failure of the Executive branch to make public this information can only increase the suspicion that all, or virtually all, of these students have been assigned subsequently to Africa where they are either using these skills imparted free of charge by the U.S. in combat or are training their colleagues in same.

III. Details of all Export-Import Bank transactions with South Africa and Portugal under the Cooperative Financing Facility as well as any guarantees or other exposure involving South Africa and Portugal that has not otherwise previously been made public through the Bank's normal press release procedures. In using the term "Portugal," I refer to Portugal's overseas colonies as well as the metropolitan territory. The Bank, in recent compilations, appears to have elected to refer to Angola and Mozambique as African states, grouping them together with member states of the Organization of African Unity.

The Bank informs me that because the CFF transactions normally are relatively small by dollar value, it has decided not to routinely release such transactions to the press. However, I became concerned that either the U.S. or Portugal or both might be using the CFF for purposes of secrecy when I learned that two of the first transactions with Portugal under CFF, a facility designed to promote "small" business exports, involved the sale to Mozambique of helicopters and fixed wing aircraft manufactured by Bell and Rockwell International with a total value in excess of \$3.3 million.

IV. The details, including specific model data, name of exporter, name of purchaser, value, and financing arrangements, of all export licenses issued under validated license control to Portugal and its African colonies, South Africa, and Southern Rhodesia. These constitute the bulk, if not all, of the so-called "dual purpose"—civilian and military—exports permitted to these areas. The Commerce Department maintains that to disclose such commercial data might harm our exports to these areas. However, the U.S. already has chosen voluntarily to limit its exports to these areas thus harming our bilateral relations with these regimes. Disclosure of the details of all exports under VLC to these areas will only reassure the American public that the embargoes have not been altered. Further, the 396-page computer printout of VLC sales to South Africa, Portugal, and the Portuguese territories furnished to the Diggs subcommittee by the Commerce Department already lists certain firms by name. These include Piper (Cherokee and Pawnee models), Aero Commander—a product of Rockwell, International—Beechcraft, Cessna, and Boeing. This listing of the specific names of certain aircraft exporters is not comprehensive, but it is sufficient to indicate an inconsistent pattern of disclosure. Despite this partial disclosure, Commerce Department officials say they cannot release such detailed data because of commercial secrecy provisions of the Export Administration Act. However, this act says that exceptions to this provision may be made upon the determination of the Secretary of Commerce that such is in the national interest. Mr. President, I ask you to instruct the Secretary of Commerce to make such a determination, and I respectfully request that your reply to this letter directly indicate your decision on this matter.

V. The details, including specific model data, name of exporter, name of purchaser, value, and financing arrangements, of all exports to Southern Rhodesia from 1966 to date. These for the most part are items exported under the humanitarian exceptions to UN sanctions. However, Commerce also pleads commercial confidentiality in this area, listing exports to Southern Rhodesia only under

broad categories. Thus, in 1971 there were such unhumanitarian sounding exports to Southern Rhodesia as chemicals, machinery and transport equipment, nonelectric machinery, power generating machinery, and railway vehicles and parts. In 1972 there were, in addition, exports of electrical machinery as well as \$1,165 worth of baby carriages, toys, and sports goods. Mr. President, again I respectfully ask you to instruct the Secretary of Commerce to make a determination that such disclosure is in the national interest and that your reply to this letter directly indicate your decision on this matter.

VI. The details, including specific model data, name of exporter, name of purchaser, value, and financing arrangements, of the following export licenses:

(A) The export of one used DC-8 freighter, tail number 803, last October by National Aircraft Leasing of Chicago, a subsidiary of the Flying Tiger Corporation, to Compagnie Gabonaise d'Affrètement. While this firm is registered in Gabon, it is operated by a Rhodesian citizen, Mr. John Malloch, for the purpose of exporting Rhodesian commodities in violation of U.N. sanctions.

(B) The export of three used Boeing 720s in 1970 to Mr. Carl Hirschmann, a Swiss business man who owns machine tool importing firms in New York and Los Angeles. These planes were purchased by Air Rhodesia in April 1973, another flagrant violation of U.N. sanctions. Since then, Mr. Hirschmann, who acknowledges he visited Rhodesia last year, has been quoted as saying he sold the three aircraft to Mr. Mervyn Eyatt on behalf of Purchase and Hire Aircraft, Ltd. of Belfontaine, Johannesburg, South Africa. Mr. Hirschmann, who says he has known Eyatt for several years, is quoted as saying he did not know that Mr. Eyatt, who carries a South African passport, is in fact an officer of Air Rhodesia.

(C) The export in early 1973 of \$500,000 worth of spare parts by the Boeing Corporation, apparently to Mr. Hirschmann. The spare parts were for Boeing-720s. They were included in the package with the three 720 aircraft which turned up in Southern Rhodesia via Mr. Eyatt.

Mr. President, again I respectfully ask you to instruct the Secretary of Commerce to make a determination that such disclosure is in the national interest and that your reply to this letter directly indicate your decision on this matter.

In addition to the documents requested in the six paragraphs above indicated by Roman numerals, I would like to ask your reply to the following questions:

1. In authorizing VLC exports to South Africa, Southern Rhodesia, Portugal, and the Portuguese colonies, the Commerce Department, I understand, asks the purchaser only for a statement as to the intended end use of the product sought. This leaves the purchaser free to comply truthfully with his declaration by using the product only some of the time for its declared end use while using it the rest of the time for military or military related purposes. Mr. President, why aren't the purchasers of all VLC exports to South Africa, Southern Rhodesia, Portugal, and the Portuguese territories, required to declare in writing that at no time will their purchases be used for military or military related purposes?

2. Why have the guidelines requested in Paragraph 1 above, not been printed in the Federal Register and/or the Code of Federal Regulations?

3. a. What has been the result of representations made to the Gabon government about the illegal use being made of the DC-8 purchased by Malloch's firm.

b. I understand the export license for the DC-8 does not mention Mr. Malloch as one of the buyers. National Aircraft Leasing has said to me in a telephone interview that it was aware at the time that Mr. Malloch was involved in the purchase. What U.S. government action has been taken against National Aircraft Leasing?

c. United Air Lines informs me that Mr. Malloch is "one of our customers" for the training of flight crews in Denver, Colorado. What representations has the U.S. government made to United Air Lines about this practice?

4. What representations has the U.S. government made to Mr. Hirschmann, Mr. Eyatt, and the governments of Switzerland, West Germany, South Africa, and Portugal about the 720s?

5. Has the United States at any time ever suggested to airlines operating from third countries into Southern Rhodesia with U.S. manufactured aircraft that supplies of spare parts and future sales of U.S. manufactured aircraft might be jeopardized by the continuation of this practice?

In conclusion, Mr. President, I am sure that you will want to impress particularly the Commerce Department and the Export-Import Bank with the departures from their standard practices that are necessary owing to the extraordinary embargoes placed on exports of Portugal, its African colonies, South Africa, and

Southern Rhodesia. I would also like to formally request, Mr. President, your assurances that all future changes in the guidelines, gray areas decisions, data about Portuguese personnel training, and details of our export transactions to South Africa, Portugal, its African colonies, and Southern Rhodesia be published fully, routinely, and promptly so there can be no question in the mind of a close observer of U.S. foreign policy of strict U.S. adherence to the pledges it made in undertaking these embargoes.

Sincerely,

BRUCE J. OUDES.

APPENDIX 2

EXCERPT FROM "JANE'S ALL THE WORLD'S AIRCRAFT" (1972-73 EDITION) EDITED BY JOHN W. R. TAYLOR, PP. 336-69¹

AERO COMMANDER MODEL 112

On 17 December 1970 the General Aviation Divisions of North American Rockwell announced the introduction, and first public flight, of a completely new single-engine four-seat light aircraft known as the Aero Commander Model 112.

Following extensive consumer research in the lightplane market, the company initiated design of the Model 112 in December 1969. Construction of the first of five prototypes began in February 1970 and the first flight was made on 4 December 1970. FAA certification, under FAR 23 Normal category, was anticipated during the Summer of 1971.

The Model 112 has retractable tricycle-type landing gear, but the company plans to market also a similar aircraft with fixed landing gear under the designation Model 111.

North American's claim that these new models have the most spacious cabins of any four-seat single-engine aircraft at present on the market, and have projected also twin-engined versions. Deliveries to customers of the Model 112 are planned to begin early in 1972, with other models in the line following during the year; and twin-engine versions are expected to be introduced in 1973.

All available details follow:

Type: Four-seat lightweight cabin monoplane.

Wings: Cantilever low-wing monoplane. Wing section NACA 63.415 modified.

Dihedral 7°. Incidence at root 2°. Sweep-forward at quarter-chord 2° 30'.

Conventional light alloy structure. Ailerons of light alloy construction, using a channel spar and one-piece beaded skin. Electrically-operated light alloy single-slotted trailing-edge flaps, extending from wing station 25 to 121.20 with chord of 1 ft 1 in (0.33 m). No trim-tabs.

Fuselage: Conventional semi-monocoque light alloy structure.

Tail Unit: Cantilever light alloy structure with swept vertical surfaces. Dorsal fin faired into fuselage. Fixed-incidence tailplane. Adjustable trim-tab in port elevator.

Landing Gear: Hydraulically-retractable tricycle type. Main wheels retract in-board, nose-wheel aft. Trailing-beam type main units, with oleo-pneumatic shock-absorbers. Cleveland main wheel assemblies type P-26S-400 with tyres size 600 × 6, pressure 29 lb/sq in (2.04 kg/cm²). Cleveland nose-wheel and tyre size 500 × 5, pressure 31 lb/sq in (2.18 kg/cm²). Cleveland type P-26S-30 hydraulic brakes.

Power Plant: One 180 hp Lycoming O-360-A1G6 four-cylinder horizontally-opposed air-cooled engine, driving a Hartzell type HC-E2YR-1B/7666A two-blade metal constant-speed propeller with spinner, diameter 6 ft 4 in (1.93 m). Two integral fuel tanks in the wing leading-edges, capacity of each 30 US gallons (113.5 litres). Total fuel capacity 60 US gallons (227 litres). Refuelling point in upper surface of each wing. Oil capacity 2 US gallons (7.5 litres).

Accommodation: Pilot and three passengers seated in pairs in enclosed cabin. Individual forward seats, bench seat for two aft. Passenger access door on each side of cabin, over wing, hinged at forward edge. External baggage door on port side of fuselage aft of wing. Provisions for heating, ventilation and air-conditioning.

Systems: Hydraulic system powered by a single electrically-driven hydraulic pump. Electrical system supplied by 70A 12V engine-driven alternator. 25Ah battery standard, 35Ah battery optional.

Electronics: A wide range of Narco, King, Bendix and Genave 90- and 360-channel communication and 200-channel navigation radios available to customer's requirements.

¹ Published by Sampson, Lowe, Marston & Co., Ltd., London.

Dimensions, external :

- Wing span, 32 ft 10¾ in (10.03 m)
- Wing chord at centre-line, 5 ft 10¼ in (1.78 m)
- Wing chord at tip, 2 ft 11 in (0.89 m)
- Wing chord, mean aerodynamic, 4 ft 7 in (1.40 m)
- Wing aspect ratio :
 - Length overall 25 ft 4 in (7.62 m)
 - Height overall, 8 ft 5 in (2.57 m)
 - Tailplane span, 12 ft 6 in (3.81 m)
 - Wheel track, 10 ft. 10 in (3.30 m)
 - Wheelbase, 6 ft 11 in (2.11 m)
 - Propeller ground clearance, 8½ in (0.22 m)

Passenger doors (2) :

- Height, 3 ft 2 in (0.97 m)
- Width, 2 ft 4 in (0.71 m)

Baggage door :

- Height, 1 ft 8 in (0.51 m)
- Width, 2 ft 4 in (0.71 m)

Dimensions, internal :

Cabin :

- Length, 9 ft. 7½ in (2.93 m)
- Max width, 3 ft 11 in (1.19 m)
- Max height, 4 ft 1 in (1.24 m)
- Baggage compartment, 21 cu ft (0.59 m³)

Areas :

- Wings, gross, 152 sq ft (14.12 m²)
- Ailerons (total), 11 sq ft (1.02 m²)
- Trailing-edge flaps (total), 18 sq ft (1.67 m²)
- Fin, 17 sq ft (1.58 m²)

Weights and Loadings (estimated) :

- Empty weight, 1,413 lb (641 kg)
- Max T-O weight, 2,550 lb (1,157 kg)
- Max wing loading, 16.8 lb/sq ft (82.2 kg/m²)
- Max power loading, 14.17 lb/hp (6.43 kg/hp)

Performance (estimated at max T-O weight) :

- Max level speed, 148 knots (170 mph ; 274 km/h)
- Max permissible speed, 207 knots (238 mph ; 383 km/h)
- Max cruising speed, 75% power at 7,500 ft (2,285 m) 141 knots (162 mph ; 261 km/h)
- Stalling speed, flaps up, 62 knots (71 mph ; 114 km/h)
- Stalling speed, flaps down, 52 knots (60 mph ; 97 km/h)
- Max rate of climb at S/L, 890 ft (271 m/min)
- Service ceiling, 16,000 ft (4,875 m)
- T-O run, 990 ft (302 m)
- T-O to 50 ft (15m), 1,640 ft (500 m)
- Landing from 50 ft (15 m), 1,310 ft (399 m)
- Landing run, 680 ft (207 m)
- Range with max fuel, no reserve, 1,025 nm (1,180 miles ; 1,899 km)

AERO COMMANDER LARK COMMANDER

This four-seat high-performance all-metal business/sport/trainer aircraft was designed not only to satisfy the requirements of the sportsman and week-end private pilot, but also those of businessmen who fly their own aircraft on a regular basis. First deliveries of the Lark Commander were made in April 1968.

The basic airframe is similar to that of the earlier Darter Commander (see 1969-70 *Jane's*), which is no longer in production. It differs by having a swept tail fin and rudder, more powerful engine, detail refinements to reduce drag and de luxe furnishing of the cabin.

Despite introduction of the Aero Commander 112, it is intended to continue production of the Lark Commander so long as a demand for this aircraft continues.

Type : Four-seat light aircraft.

Wings : Braced high-wing monoplane. Single streamline-section bracing strut each side. All-metal two-spar structure. Three-position manually-operated flaps.

Fuselage : All-metal semi-monocoque rear structure, with cabin section of welded steel-tube construction, covered with light alloy panels.

- Tail Unit:** Cantilever all-metal structure, with swept vertical surface and dorsal fin.
- Landing Gear:** Nonretractable tricycle type. Steerable nose-wheel carried on oleo-pneumatic shock-strut. Cantilever glass-fibre-spring main units. Main wheel tyres 6.00×6 . Streamlined wheel fairings standard. Hydraulic disc caliper brakes. Parking brake. Fixed tail-skid to avert damage in tail-down landing.
- Powerplant:** One 180 hp Lycoming O-360-A2F four-cylinder horizontally-opposed air-cooled engine, driving a McCauley 1A170/7660 fixed-pitch metal propeller with spinner. Fuel tank in each wing root, with total capacity of 44 US gallons (166.5 litres). Oil capacity 2 US gallons (7.5 litres).
- Accommodation:** Four seats in pairs in enclosed cabin, with 360° visibility. Carpeted baggage compartment aft of seats, capacity 120 lb (54 kg). Forward-hinged door on each side. Separate baggage compartment door on port side. In-flight access to baggage compartment by means of folding rear seat. Heater and windscreen de-froster. Airline-type air vents above seats. Glass-fibre insulation around cabin. Vinyl-covered interior with matching nylon carpeting. Dual wheel-type controls standard.
- Systems:** Electrical system includes a 12V 40A alternator and a 12V 35Ah battery.
- Electronics and Equipment:** Optional items include blind-flying instrumentation and a wide range of nav/com installations. Standard equipment includes navigation lights, landing light (port wing) and rotating beacon.
- Dimensions, external:**
- Wing span, 35 ft 0 in (10.67 m)
 - Length overall, 27 ft 2 in (8.28 m)
 - Height overall, 10 ft 1 in (3.07 m)
 - Tailplane span, 10 ft 1.8 in (3.09 m)
 - Wheel Truck (7 ft 2 in (2.18 m)
 - Passenger doors:
 - Height, 3 ft $3\frac{1}{2}$ in (1.00 m)
 - Width, 2 ft $8\frac{1}{2}$ in (0.82 m)
 - Baggage door:
 - Height, 1 ft $3\frac{1}{2}$ in (0.39 m)
 - Width, 1 ft 10 in (0.56 m)
- Dimensions, internal:**
- Cabin:
 - Length, 9 ft 10 in (3.00 m)
 - Max width, 3 ft 4 in (1.02 m)
 - Baggage compartments (2), 15.76 cu ft (0.45 m³)
- Area:**
- Wings, gross, 180 sq ft (16.72 m²)
- Weights and Loadings:**
- Weight empty, 1,532 lb (695 kg)
 - Max T-O weight, 2,475 lb (1,122 kg)
 - Max wing loading, 13.6 lb/sq ft (66.8 kg/m²)
 - Max power loading, 13.6 lb/hp (6.17 kg/hp)
- Performance (at max T-O weight):**
- Max level speed at S/L, 120 knots (138 mph; 222 km/h)
 - Max cruising speed, 75% power at 7,500 ft (2,285 m), 115 knots (132 mph; 212 km/h)
 - Stalling speed, flaps down, 51 knots (59 mph; 95 km/h)
 - Max rate of climb at S/L, 718 ft (219 m)/min
 - Service ceiling, 11,100 ft (3,383 m)
 - T-O run, 1,050 ft (320 m)
 - Landing run, 840 ft (256 m)
 - Range at econ cruising speed (56% power) at 7,500 ft (2,285 m), 486 nm (560 miles; 901 km)

AERO COMMANDER SHRIKE COMMANDER AND SHRIKE COMMANDER ESQUIRE

The Aero Commander Shrike Commander is a twin-engined aircraft designed for the businessman pilot. It is available in two versions:

Shrike Commander. Standard version, as described in detail below.

Shrike Commander Esquire. A de luxe version of the Shrike Commander, with standard accommodation for pilot and five passengers, with a fold-away desk, beverage consoles, stereo units and storage drawers under aft cloth couch seat as standard.

The following details apply to both models:

Type: Twin-engined light transport.

Wings: Cantilever high-wing monoplane. Wing section NACA 23012 modified. Dihedral 4°. Incidence 3° at root, —3°30' at tip. All-metal two-spar flush-riveted structure. Frise statically-balanced all-metal ailerons. Hydraulically-operated all-metal slotted flaps. Ground adjustable tab in starboard aileron. Pneumatic de-icer boots optional.

Fuselage: All-metal semi-monocoque structure with flush-riveted skin.

Tail Unit: Cantilever all-metal structure with metal covering on all surfaces and 10° dihedral on tailplane. Trim-tabs in each elevator and rudder. Pneumatic de-icer boots optional.

Landing Gear: Retractable tricycle type, with single wheel on each unit. All wheels retract rearward hydraulically, main wheels turning through 90° to stow horizontally in nacelles. Oleo-pneumatic shock-absorbers. Hydraulically-steerable nose-wheel. Goodyear wheels and tyres, size 8.50 × 10. 8-ply rating on main units, 6.00 × 6, 6-ply rating on nose unit. Goodyear hydraulic disc brakes.

Power Plant: Two 290 hp Lycoming IO-540-E1B5 six-cylinder horizontally-opposed air-cooled engines, each driving a Hartzell HC-C3YR-2/C8468-6R three-blade constant-speed fully-feathering metal propeller, diameter 6 ft 8 in (2.03 m). Bag-type fuel tanks in wings, capacity 156 US gallons (590 litres). Over-wing refueling. Oil capacity 6 US gallons (22.7 litres). Electrically-heated fuel vents, and propeller anti-icing shoes optional.

Accommodation: Standard Shrike Commander has four individual seats: two in front with dual controls, and two at rear. Curtain divide pilots compartment from cabin. Swivel-mounted fresh air vents above each seat, ash trays, window curtains, emergency exit, announcement signs, adjustable heating and fresh air ventilation ports at cabin floor level, double-glazed windows in cabin and a hatbox shelf in aft cabin bulkhead are standard. Optional seating layouts for up to seven persons, some with rear bench seat for two or three. Optional refreshment cabinet for hot and cold drinks. Forward-opening passenger door under wing on port side. Forward-opening door by pilot's seat at front of cabin on port side. All equipment can be removed to permit cabin to be used for freight-carrying. Baggage compartment for 500 lb (227 kg) baggage aft of cabin, with outside door. Windshield wiper and alcohol de-icing system for port side optional. De luxe interior of Esquire is as described above under model listing.

Systems: Hydraulic system, pressure 1,000 lb/sq in (70 kg/cm²), for landing gear, flaps, brakes and nose-wheel steering. Electrical system includes two 70A alternators and two 35Ah batteries.

Electronics and Equipment: Standard equipment includes flight and engine instrumentation, clock, Janitrol 25,000 BTU cabin heater, rotating beacon, landing lights, reading lights, position lights, vacuum warning lights, instrument lighting system, air filter for vacuum instruments, dual vacuum pumps, electrically-adjustable cowl flap, external power plug, stall warning indicator and alternative static source. Optional equipment includes more advanced instruments, an extensive range of avionics which are available in package form or as individual items, 100A alternators, nickel-cadmium battery, under-fuselage rotating beacon, vertically-adjustable pilot and co-pilot seats with inertia reels and shoulder harnesses, storage drawers under aft couch, cabin and/or cockpit fire extinguishers, low fuel warning light, glass-holders, seat headrests, lavatory chair for starboard side of aft cabin, complete with curtain, 48.3 cu ft (1.37 m³) or 96.6 cu ft (2.74 m³) oxygen system, propeller synchronising equipment, dual relief tubes, sidewall-mounted stereo console, extra seat tracks, polished spinners, cabin table, vent window for co-pilot and wing ice lights.

Dimensions, external:

Wing span, 49 ft 0½ in (14.95 m)

Wing chord at root, 8 ft 4 in (2.54 m)

Wing chord at tip, 2 ft 1½ in (0.65 m)

Wing aspect ratio, 9.45

Length overall, 36 ft 7 in (11.15 m)

Height overall, 14 ft 6 in (4.42 m)

Tailplane span, 16 ft 9 in (5.10 m)

Wheel track, 12 ft 11 in (3.95 m)

Wheelbase, 13 ft 11¾ in (4.26 m)

Crew door (fwd) :

Height, 3 ft 10 in (1.17 m)

Width, 1 ft 11 in (0.58 m)

Passenger door (aft) :

Height, 3 ft 9 in (1.14 m)

Width, 2 ft 4 in (0.71 m)

Baggage door :

Height, 1 ft 11½ in (0.60 m)

Width, 1 ft 7½ in (0.50 m)

Dimensions, internal :**Cabin :**

Length, 10 ft 7½ in (3.24 m)

Max width, 4 ft 4 in (1.32 m)

Max height, 4 ft 5 in (1.35 m)

Volume, 177 cu ft (5.01 m)

Baggage hold, 43 cu ft (1.22 m³)**Areas :**Wings, gross, 255 sq ft (23.69 m²)Ailerons (total), 20.52 sq ft (1.90 m²)Trailing-edge flaps (total), 21.20 sq ft (1.97 m²)Fin, 24.00 sq ft (2.23 m²)Rudder, including tab, 15.40 sq ft (1.43 m²)Tailplane, 33.06 sq ft (3.07 m²)Elevators, including tabs, 20.54 sq ft (1.91 m²)**Weights and Loading :**

Weight empty, equipped, 4,635 lb (2,102 kg)

Max T-O and landing weight, 6,750 lb (3,062 kg)

Max zero-fuel weight, 6,250 lb (2,834 kg)

Max wing loading, 26.47 lb/sq ft (129.2 kg/m²)**Performance (at max T-O weight) :**

Max level speed at S/L, 187 knots (215 mph ; 346 km/h)

Cruising speed (75% power) at 9,000 ft (2,745 m) 176 knots (203 mph ; 326 km/h)

Stalling speed, flaps and landing gear down, 59 knots (68 mph ; 109 km/h)

Stalling speed, clean, 68 knots (78 mph ; 126 km/h)

Rate of climb at S/L 1,340 ft (408 m)/min

Rate of climb at S/L one engine out, 266 ft (81 m)/min

Service ceiling, 19,400 ft (5,913 m)

Service ceiling, one engine out, 6,500 ft (1,981 m)

T-O to 50 ft (15m), 1,915 ft, 584m)

Landing from 50 ft (15 m), 2,235 ft (681 m)

Range with standard fuel at 9,000 ft (2,745 m) at 178 knots (205 mph ; 330 km/h) TAS, 45 min reserve 651 nm (750 miles ; 1,207 km)

Range, conditions as above, no reserve, 782 nm (901 miles ; 1,450 km)

Absolute range, standard fuel at 15,000 ft (4,570 m) at 45% power and TAS of 147 knots (170 mph ; 274 km/h), no reserve 936 nm (1,078 miles ; 1,735 km)

AERO COMMANDER TURBO COMMANDER 681B

The Turbo Commander 681B is a pressurised transport aircraft with an air-frame generally similar to that of the Shrike Commander ; but it has reduced wing span and is powered by two AiResearch turboprop engines. The prototype flew for the first time on 31 December 1964, and the first production machine followed in April 1965. Deliveries began in May 1966, the type being known for a time subsequently as the Hawk Commander.

The Turbo Commander is certificated by the FAA under CAR Part 3 Normal Category, with special conditions. In many instances systems and structural integrity meet and exceed CAR Part 4, SR422b, FAR 25.

The description of the Shrike Commander applies also to the Turbo Commander 681B, except in the following details :

Wings : Span reduced. Incidence at tip 1°. Optional electric trim-tab in aileron.

Tail Unit : Tailplane increased in span and area.

Landing Gear : Wheelbase increased.

Power Plant : Two 605 eshp AiResearch TPE 331-43BL turboprop engines, each driving a three-blade Hamilton Standard 33LF-325 constant-speed reversible-pitch propeller, diameter 7 ft 6 in (2-29 m). Fuel in two bag-type tanks in wings, total capacity 286-5 US gallons (1,086 litres). Optional auxiliary tanks, capacity 51 US gallons (193 litres). Oil capacity 3-75 US gallons (14-25 litres).

Accommodation: Standard seating for eight persons, on three-place forward-facing bench seat, two rearward-facing single seats and side-facing seat in main cabin, and two adjustable seats on flight deck. Optional seating for up to nine persons. Cabin is fitted with two large picture windows, fold-away work-table, refreshment consoles and lavatory. Baggage compartment aft of rear pressure bulkhead, capacity 500 lb (227 kg).

Systems: Cabin pressurisation, heating and air-conditioning by engine-bleed air: max pressure differential 4-2 lb/sq in (0-29 kg/cm²). Dual 200A starter-generators and two 22Ah Nicad batteries. Emergency stand-by oxygen system, automatic propeller synchronisation. Foxboro fuel flow system and gauges with digital readout. Heated fuel vents. Electronically controlled exhaust gas temperature read-out. Engine fire detection system.

Electronics: A selection of complete IFR systems is available to customer's requirements.

Dimensions, external:

- Wing span, 44 ft 0 $\frac{3}{4}$ in (13-43 m)
- Wing chord at root, 8 ft 4 in (2-54 m)
- Wing chord at tip, 2 ft 9 in (0-84 m)
- Wing aspect ratio, 8-05
- Length overall, 42 ft 11 $\frac{3}{4}$ in (13-10 m)
- Height overall, 14 ft 6 in (4-42 m)
- Tailplane span, 19 ft 9 $\frac{1}{4}$ in (6-03 m)
- Wheelbase, 17 ft 7 $\frac{3}{4}$ in (5-38 m)

Areas:

- As for Shrike Commander, except:
- Wings, gross, 242-5 sq ft (22-53 m²)
- Flaps (total), 20-82 sq ft (1-93 m²)
- Tailplane, 37-85 sq ft (3-52 m²)

Weights and loadings:

- Weight empty, 5,647 lb (2,561 kg)
- Max ramp weight, 9,450 lb (4,286 kg)
- Max T-O weight, 9,400 lb (4,265 kg)
- Max zero fuel weight, 8,500 lb (3,856 kg)
- Max landing weight, 9,000 lb (4,080 kg)
- Max wing loading, 38-8 lb/sq ft (189-5 kg/m²)
- Max power loading, 8-2 lb/hp (3-72 kg/hp)

Performance (at max T-O weight):

- Max level speed at 9,000 lb (4,080 kg) AUW, 252 knots (290 mph; 467 km/h)
- Max cruising speed, 241 knots (278 mph; 447 km/h)
- Stalling speed, flaps and landing gear down, 82 knots (94 mph; 152 km/h)
- Stalling speed, flaps and landing gear up, 89 knots (102 mph; 164 km/h)
- Rate of climb at S/L, 2,007 ft (612 m)/min
- Rate of climb at S/L, one engine out, 484 ft (148 m)/min
- Service ceiling, 25,600 ft (7,800 m)
- Service ceiling, one engine out, 10,500 ft (3,200 m)
- T-O run, 1,706 ft (520 m)
- T-O to 50 ft (15 m), 2,016 ft (615 m)
- Landing from 50 ft (15 m):
 - With reverse thrust (estimated), 1,200 ft (366 m)
 - Without reverse thrust, 2,504 ft (763 m)
- Cruising range with standard fuel at 21,000 ft (6,400 m), 221 knots (254 mph; 409 km/h) TAS, with 45 min reserve, 922 nm (1,062 miles; 1,709 km)
- Cruising range with standard fuel at 21,000 ft (6,400 m), 221 knots (254 mph; 2,116 km)
- Absolute range with standard fuel, conditions as above, 1,080 nm (1,244 miles; 2,012 km)
- Absolute range with max fuel, conditions as above, 1,294 nm (1,491 miles; 2,400 km)

AERO COMMANDER SPARROW COMMANDER

The Sparrow Commander is the smallest of the General Aviation Division's three agricultural aircraft, combining 170 US-gallon (643-litre) hopper capacity with low operating cost.

The entire primary structure of the aircraft is coated with Copon, an epoxy resin catalyst paint which is resistant to all known agricultural chemicals.

The Sparrow Commander can be purchased with any type of dispersal equipment required, i.e. straight sprayer of either high or low volume, dust dispersal gear, or a quick-change combination dust or spray unit. The units normally offered as optional extras are the Transland Boom Master spray system, Strut Master spray system with 2-in Simpex pump, invert emulsion spray system, Buckeye bottom loader spray system, Micronair spray system, standard dust spreader, spreader with gate box and agitator, and Transland Swathmaster dry spreader.

North American Rockwell announced on 23 April 1971 that Aeronautica Agrícola Mexicana SA, in which it has a 30% holding, has purchased the type design, tooling and all production materials for the Sparrow and Quail Commander agricultural aircraft, and plans to build them at a new Industrias Unidas manufacturing complex in Pasteje, Mexico. North American Rockwell's General Aviation Divisions have retained the right to market these aircraft in the United States.

The first aircraft is scheduled to come off the new production line at Pasteje on 1 January 1972.

Type: Single-seat agricultural monoplane.

Wings: Braced low-wing monoplane. Modified Clark Y wing section. Dihedral 5° S'. incidence 0° 20'. Composite structure with spruce wood spars, metal-covered leading-edge and fabric covering on remainder of wing. Multiple steel-tube bracing struts on each side of fuselage. Hoerner wing-tips. Wooden ailerons are fabric-covered. Current version has flaps and drooping ailerons.

Fuselage: Steel-tube structure with fabric covering. Removable side-panels.

Tail Unit: Wire-braced steel-tube structure with fabric covering. Wire deflector from canopy to fin.

Landing Gear: Non-retractable tail-wheel type. CallAir spring shock-absorbers. Cleveland main wheels, with Goodyear tyres, size 8.50 X 6, 6-ply. Scott 8-in (20cm) steerable tail-wheel. Cleveland toe-actuated brakes. Wire-cutters on main legs.

Power Plant: One 235 hp Lycoming O-540-B2B5 six-cylinder horizontally-opposed air-cooled engine, driving a McCauley Type 1A200-DFA9045 two-blade fixed-pitch metal propeller, diameter 7 ft 6 in (2.29 m) Two-position adjustable-pitch McCauley Type 2B34(T-S4HF two-blade metal propeller optional, diameter 7 ft 0 inch (2.13 m). All fuel in wing tanks, capacity 40 US gallons (151 litres). Oil capacity 3 US gallons (11 litres).

Accommodation: Single seat for pilot in open-sided cockpit aft of hopper. Side doors on cockpit. Wire-cutters on windscreen. Cabin heater standard. Capacity of standard hopper $22\frac{1}{2}$ cu ft (0.64 m³) or 170 US gallons (643 litres).

Systems: Electrical system includes 50A 24V alternator and 35Ah battery.

Electronics: Narco Mk III Omnigator radio and other avionics available as optional extras.

Equipment: Optional equipment includes night lighting system, landing light in nose cowl and AC full-flow oil filter.

Dimensions, external:

Wing span, 34 ft 9 in (10.59 m)
Wing chord, constant, 5 ft 2 $\frac{3}{4}$ in (1.59 m)
Length overall, 7 ft 7 in (2.31 m)
Height overall, 7 ft 7 in (2.31 m)
Tailplane span, 10 ft 6 in (3.20 m)
Wheel track, 6 ft 10 in (2.08 m)
Wheelbase, 17 ft 1 in (5.21 m)

Areas:

Wings, gross, 182 sq ft (16.90 m²)
Ailerons (total), 21.4 sq ft (1.99 m²)
Fin, 8.6 sq ft (0.80 m²)
Rudder, 9.0 sq ft (0.84 m²)
Tailplane, 15.8 sq ft (1.47 m²)
Elevator, 14.0 sq ft (1.30 m²)

Weights and Loadings:

Weight empty, 1,600 lb (726 kg)
Max payload, 1,400 lb (635 kg)
Max T-O weight:
CAR.3, 3,000 lb (1,360 kg)
CAR.8, 3,400 lb (1,542 kg)
Max wing loading, 16.4 lb/sq ft (80.0 kg/m²)
Max power loading, 12.8 lb/hp (5.8 kg/hp)

Performance (at CAR.8 max T-O weight, except where indicated) :

Max level speed at S/L, 103 knots (119 mph; 191 km/h)

Max cruising speed (75% power) at 3,000 lb (1,360 kg) AUW, 91 knots (105 mph; 169 km/h)

Normal operating speed, 78-87 knots (90-100 mph; 145-161 km/h)

Stalling speed at max T-O 53 knots (60 mph; 97 km/h)

Stalling speed as usually landed, 35 knots (40 mph; 64 km/h)

Rate of climb at S/L, 650 ft (198 m)/min

Service ceiling, 14,000 ft (4,265 m)

T-O run, 600 ft (183 m)

Landing run, 447 ft (136 m)

Range at cruising speed (75% power), 260 nm (300 miles; 483 km)

AERO COMMANDER QUAIL COMMANDER

The Quail Commander is the intermediate model in the Ag Commander series. It differs from the Sparrow Commander in having a 290 hp Lycoming IO-540-G1C5 six-cylinder horizontally-opposed air-cooled engine and a larger hopper with a capacity of 210 US gallons (795 litres).

Details given for the Sparrow Commander apply also to the Quail Commander, except as shown below :

Equipment: Optional equipment includes also an alternative retractable landing gear in the wing and a rotating beacon.

Weights :

Max payload, 1,600 lb (726 kg)

Max T-O weight (CAR. 8), 3,600 lb (1,633 kg)

Performance (at CAR. 8) max T-O weight, except where indicated) :

Max level speed 104 knots (120 mph; 193 km/h)

Cruising speed (75% power) at 3,000 lb (1,360 kg) AUW 100 knots (115 mph; 185 km/h)

Operating speed 78-87 knots (90-100 mph; 145-161 km/h)

Stalling speed at max T-O weight 54 knots (62 mph; 100 km/h)

Stalling speed as usually landed 35 knots (40 mph; 65 km/h)

Rate of climb at S/L 850 ft (259 m)/min

Service ceiling 16,000 ft (4,875 m)

T-O run 800 ft (244 m)

Landing run at normal landing weight 447 ft (136 m)

Range (at 50% power) 260 nm (300 miles; 483 km)

AERO COMMANDER THRUSH COMMANDER

The Thrush Commander is the largest specially-designed agricultural aircraft in production in the USA at the present time. It has a 600 hp Pratt & Whitney radial engine and carries a 53 cu ft (1.50 m³) hopper able to contain up to 400 US gallons (1,514 litres) of liquid or 3,280 lb (1,487 kg) of dry chemicals. It has corrosion proofing of actuated Copon and is certificated to both CAR Pt 8 and Pt 8 requirements for Normal category aircraft.

Type: Single-seat agricultural aircraft.

Wings: Cantilever low-wing monoplane. Two spar structure of light alloy throughout, except for main spar caps of heat-treated SAE 4130 steel. Leading-edge formed by heavy main spar and flush-riveted nose-skin. Light alloy plain ailerons. Electrically-operated flaps. Wing root sealed against chemical entry.

Fuselage: Welded chrome-molybdenum steel-tube structure covered with quickly removable light alloy panels. Under-fuselage skin of stainless steel.

Tail Unit: Wire-braced welded chrome-molybdenum steel-tube structure, fabric-covered. Streamline-section heavy-duty stainless steel wire bracing and heavy-duty stainless steel attachment fittings. Light alloy controllable trim-tab in each elevator. Deflector cable from cockpit to fin-tip.

Landing Gear: Non-retractable tail-wheel type. Main units have rubber-in-compression shockstruts and 27-in wheels with 10-ply tyres. Hydraulic brakes. Parking brakes. Wire cutters on main gear. Steerable, locking tail-wheel size 12.5×4.5 in.

Power Plant: One 600 hp Pratt & Whitney R-1340-AN-1 nine-cylinder radial air-cooled engine, driving a Hamilton Standard constant-speed two-blade metal propeller. One 52-US gallon (196-litre) integral burst-proof tank in each wing, giving total fuel capacity of 104 US gallons (393 litres). Oil capacity 10.3 US gallons (41-2 litres).

Accommodation: Single adjustable seat in 40g "safety pod" enclosed cockpit, with steel-tube overturn structure. Downward-hinged door on each side. Tempered safety-glass windshield. Openable windshield optional. Hopper forward of cockpit with capacity of 53 cu ft (1.50 m³) or 400 US gallons (1,514 litres).

Systems: Electrical system comprises a 50A 24V generator and 35Ah battery.

Equipment: Standard equipment includes Universal spray system with external 2-in. (5-cm) stainless steel plumbing, 2-in (5-cm) Root Model 07 pump with adjustable wooden fan, Ag Commander gate, Transland 2-in (5-cm) valve, Transland quick-disconnect pump mount, 35 nozzles installed, streamlined spray booms with outlets for 70 nozzles, 2½-in (6.3-cm) bottom loading system installed in port side. Navigation lights, instrument lights and two rotating beacons. Optional equipment includes Ag Commander high-volume spreader with micro-adjust calibrator, agitator installation, extra-high-density spray configuration with 70 nozzles installed, night working lights including wing-tip turn lights, cockpit fire-extinguisher and ferry fuel system.

Dimensions, external:

- Wing span, 44 ft 5 in (13.54 m)
- Length overall, 29 ft 4½ in (8.95 m)
- Height overall, 5 ft 2 in (2.79 m)
- Tailplane span, 15 ft 11½ in (4.86 m)
- Wheel track, 8 ft 11 in (2.72 m)

Weights and loadings:

- Weight empty, 3,700 lb (1,678 kg)
- Max T-O weight 6,900 lb (3,130 kg)
- Max wing loading, 18.4 lb/sq ft (89.8 kg/m²)
- Max power loading, 10 lb/hp (4.5 kg/hp)

Performance (at CAR.3 max T-O weight, except where indicated):

- Max level speed, 122 knots (140 mph; 225 km/h)
- Cruising speed, 96 knots, (110 mph; 177 km/h)
- Normal operating speed, 83–96 knots (95–110 mph; 153–177 km/h)
- Stalling speed, flaps up, 61 knots (70 mph; 113 km/h)
- Stalling speed, flaps down, 58 knots (66 mph; 107 km/h)
- Stalling speed, at normal landing weight, flaps up, 50 knots (57 mph; 92 km/h)
- Stalling speed, at normal landing weight, flaps down, 48 knots (55 mph; 89 km/h)
- Rate of climb at S/L, 900 ft (274 m)/min
- Service ceiling, 15,000 ft (4,570 m)
- T-O run, 775 ft (236 m)
- Landing run, at normal landing weight, 500 ft (152 m)
- Range (at 50% power), 408 nm (470 miles; 756 km)

APPENDIX 3

EXCERPT FROM "JANE'S ALL THE WORLD'S AIRCRAFT," PP. 48-49

BREGUET 1150 ATLANTIC

Under the auspices of the NATO Armaments Committee, a specification for a maritime patrol aircraft to supersede the widely-used Lockheed P-2 Neptune was drawn up and published in 1958. A total of 25 design studies were submitted for evaluation, from aircraft manufacturers in several countries. Of these, the Breguet Type 1150 was chosen for development under the name "Atlantic", and two prototypes were ordered in December 1959, followed by an order for two preproduction aircraft.

The first prototype flew on 21 October 1961; the second flew on 23 February 1962, but was lost as the result of an accident on 19 April 1962. The first preproduction Atlantic, which flew on 25 February 1963, introduced a 3 ft. 0 in. (1.0 m) longer front fuselage, to provide more space in the operations control centre.

An initial production series of 40 Atlantics was ordered for the French Navy, and Germany ordered 20. The first of these flew on 19 July 1965, and the first delivery of an operational Atlantic was made to the French Navy on 10 December 1965. All 60 of the initial series were completed by mid-1968; but nine were then ordered for the Royal Netherlands Navy.

Production of these and of a subsequent order for 18 for the Italian Navy will maintain production until early 1973. The Dutch order is being fulfilled by the last four aircraft of the initial production series, destined originally for France (the first of these was delivered on 26 June 1969), and by five aircraft from the second production series. The first of the latter was flown on 30 January 1971 and was due to be delivered in the following April. These Atlantics will be followed by the 18 for Italy; and four further aircraft from the second batch will complete the French order for 40 Atlantics.

Fokker-VFW in the Netherlands are responsible for detail design and manufacture of the centre wing and rear of the engine nacelles. Dornier and MBB in Germany are producing the lower centre and upper rear fuselage and the fin and tailplane. Many airframe components are being supplied by the Belgian ABAP group, made up of Fairey, SABCA and Fabrique Nationale. The outer wings are designed and built by Aérospatiale in France and the landing gear by SNECMA. In 1968 four Italian manufacturers, led by Aeritalia (Aerfer), joined the consortium. These companies are now responsible, inter alia, for most of the wing and tail control surfaces, parts of the fuselage nose and the centre sections of the engine nacelles. Breguet retains responsibility for the main fuselage, final assembly and development.

For the prototypes, Rolls-Royce supplied Tyne RTy-20 turboprop engines from the United Kingdom, and much of the electronic equipment came from the United States. For production aircraft, broader arrangements were made, not only for the airframe but also for engines and equipment. In particular, SNECMA are building the Tyne engines under licence in France, assisted by FN (Belgium), MTU (Germany) and (since 1969) Alfa Romeo and Fiat in Italy. Hawker Siddeley Dynamics (UK) and Rafier-Figeac SA (France) manufacture the propellers.

Type: Twin-engined maritime patrol aircraft.

Wings: Cantilever mid-wing monoplane. Wing section NACA 64 series. Dihedral on outer wings only. All-metal three-spar fail-safe structure, with bonded light alloy honeycomb skin panels on torsion box and on main landing gear doors. Conventional all-metal ailerons actuated by SAMM twin-cylinder jacks. All-metal slotted flaps, with bonded light alloy honeycomb filling, over 75% of span. Three hinged spoilers on upper surface of each outer wing, forward of flaps. Metal air-brake above and below each wing. No trim-tabs. Kléber-Colombes pneumatic de-icing boots on leading-edges.

Fuselage: All-metal "double-bubble" fail-safe structure, with bonded honeycomb sandwich skin on pressurised central section of upper fuselage, weapons bay doors and nose-wheel door.

Tail Unit: Cantilever all-metal structure with bonded honeycomb sandwich skin panels on torsion boxes. Tailplane incidence fixed. Control surfaces operated through SAMM twin-cylinder jacks. No trim-tabs. Kléber-Colombes pneumatic de-icing boots on leading-edges.

Landing Gear: Retractable tricycle type, manufactured by SNECMA, with twin wheels on each unit. Hydraulic retraction, nose-wheels rearward, main units forward into engine nacelles. Kléber-Colombes dimpled tyres, size 39×13-16 on main wheels, 26×7.75-13 on nose-wheels. Tyre pressures: main 138 lb/sq in (9.7 kg/cm²), nose 88 lb/sq in (6.2 kg/cm²). SNECMA (Hispano) disc brakes with Maxaret anti-skid units.

Power Plant: Two 6,105 ehp SNECMA-built Rolls-Royce Type RTy.20 Mk 21 turboprop engines, each driving a Ratier-built HSD four-blade constant-speed propeller, diameter 16 ft (4.88 m). Fuel in six integral tanks with total capacity of 4,619 Imp gallons (21,000 litres). Provision for wing-tip tanks to be fitted.

Accommodation: Normal flight crew of 12, comprising observer in nose; pilot and co-pilot on flight deck; a tactical co-ordinator, navigator, two sonobuoy operators, and radio, radar and ECM/MAD/Autolyceus operators in tactical compartment; and two observers in beam positions. On long-range patrol missions a further 12 would be carried as relief crew. The upper, pressurised section of the fuselage, from front to rear, comprises the nose observer's compartment, flight deck, tactical operations compartment, rest compartment for crew, and beam observers' compartment.

Systems: SEMCA air-conditioning and pressurisation system. Hydraulic system pressure 3,000 lb/sq in (210 kg/cm²). Electrical system provides 28.5V DC, 115/200 V variable-frequency AC and 115/200 V stabilised-frequency AC. AiResearch GTCP 85-100 APU in starboard side of front fuselage, adjacent to radar compartment, for engine starting and ground air-conditioning, and can also power one 20 kVA AC alternator and one 4kW DC generator for emergency electrical power supply.

Armament and Operational Equipment: Main weapons carried in bay in unpressurised lower fuselage. Weapons include all NATO standard bombs, 385 lb (175 kg) US or French depth charges, HVAR rockets, homing torpedoes, including types such as the Mk 44 Brush or LX.4 with acoustic heads, or four underwing air-to-surface missiles with nuclear or high-explosive warheads. Electronic equipment includes a retractable CSF radar installation, an MAD tail boom and an electronic countermeasures pod at the top of the tail-fin. Sonobuoys are carried in a compartment aft of the main weapons bay, while the whole of the upper and lower rear fuselage acts a storage compartment for sonobuoys and marker flares. Compartment for retractable CSF radar "dustbin" forward of main weapons bay. Forward of this, the lower nose section acts as additional storage for military equipment and the APU. Weapons system includes Plotac optical tactical display 31.5×31.5m in (80×80 cm) in size, consisting of separate tables for search display and localisation and attack display. At 1/30,000 scale, this gives coverage of an area 24,000 × 24,000 yd (21,950 × 21,950 m) to an accuracy of 1 mm (*i.e.* less than 100 ft=30.5 m at that scale). Heading references provided by duplicated gyroscopic platforms of the 3-gyro (1° of freedom) 4-gimbals type, with magnetic compasses as back-up system. Janus-type Doppler has stabilised antenna and works in the Ke band to provide direct indication of ground speed and drift. In case of failure an automatic switch is made to the air data system. The analogue-type navigation computer is accurate to 0.25%. The MAD is of the atomic resonance type and uses light-stimulation techniques. Plotac system has provision to accept additional detectors. Radar has "sea-return" circuits and stabilised antennal enabling it to detect a submarine snorkel at up to 40 mm (46 miles; 75 km) even in rough seas.

Dimensions, external:

Wing span, 119 ft 1 in (36.30 m)

Wing aspect ratio, 10.94

Length overall, 104 ft 2 in (31.75 m)

Height overall, 37 ft 2 in (11.33 m)

Fuselage:

Max width, 9 ft 6 in (2.90 m)

Max depth, 13 ft 1½ in (4.00 m)

Tailplane span, 40 ft 4½ in (12.31 m)

Wheel track, 29 ft 6¼ in (9.00m)

Wheelbase, 31 ft 0 in (9.44 m)

Dimensions, internal:

Tactical compartment:

Length, 28 ft 2½ in (8·60 m)

Height, 6 ft 4 in (1·93 m)

Max width, 8 ft 10½ in (2·70 m)

Rest compartment:

Length, 16 ft 8¾ in (5·10 m)

Height, 6 ft 4 in (1·93 m)

Max width, 8 ft 10½ in (2·70 m)

Beam observers' compartment:

Length, 3 ft 3½ in (1·00 m)

Main weapons bay:

Length, 29 ft 6½ in (9·00 m)

Height, 5 ft 1 in (1·55 m)

Height under wing, 3 ft 3½ in (1·00 m)

Max width, 7 ft 2½ in (2·20 m)

Areas:

Wings, gross, 1,295 sq ft (120·34 m²)

Ailerons (total), 58·0 sq ft (5·40 m²)

Trailing edge flaps (total), 288·4 sq ft (26·80 m²)

Spoilers (total), 17·8 sq ft (1·66 m²)

Fin, 179·1 sq ft (16·64 m²)

Rudder, 64·1 sq ft (5·96 m²)

Tailplane, 349·7 sq ft (32·5 m²)

Elevators, 89·1 sq ft (8·28 m²)

Weights:

Useful load, 40,900 lb (18,551 kg)

Max zero-fuel weight, 76,000 lb (34,473 kg)

Max T-O weight, 95,900 lb (43,500 kg)

Performance (at max T-O weight):

Max level speed at high altitudes, 355 knots (409 mph; 658 km/h)

Cruising speed, 300 knots (345 mph; 556 km/h)

Service ceiling, 32,800 ft (10,000 m)

T-O to 35 ft (10 m), ISA, 4,925 ft (1,500 m)

T-O to 35 ft (10 m), ISA +17° C, 15° flap, 5,575 ft (1,700 m)

Max range, 4,854 nm (5,590 miles; 9,000 km)

Max endurance at patrol speed of 169 knots (195 mph; 320 km/h), 18 hr.

EXCERPT FROM "JANE'S ALL THE WORLD'S AIRCRAFT," PP. 332-3

LOCKHEED MODEL 185 ORION

(US Navy designation: P-3 (formerly P3V-1))

In April 1958 it was announced that Lockheed had been successful in winning with a developed version of the civil Electra four-turboprop airliner a US Navy competition for an "off-the-shelf" ASW aircraft. The two original contracts provided for initial research, development and pre-production activities, while further contracts provided for purchase by the Navy of a standard commercial Electra and its modification, development and testing as a tactical test-bed for anti-submarine warfare systems.

An aerodynamic prototype, produced by modifying the airframe of the third civil Electra, flew for the first time on 19 August 1958. A second aircraft, designated YP-3A (formerly YP3V-1), with full electronics, flew on 25 November 1959.

Several production versions have been announced as follows:

P-3A Orion. Initial production version for US Navy, with 4,500 eshp (with water-alcohol injection) Allison T56-A-10W turboprop engines. First P-3A flew for the first time on 15 April 1961. A second production aircraft was flying by October 1961 and deliveries to the U.S. Navy began on 13 August 1962, to replace the P-2 Neptune. By November 1964, a total of 100 had been delivered. Later models (from the 110th aircraft) are known as Deltic P-3As, as they are fitted with the Deltic system, including more sensitive ASW detection devices and improved tactical display equipment. Production completed.

WP-3A Orion. Weather reconnaissance version of P-3A, delivered to US Navy during 1970 to re-equip squadron previously flying WC-121Ns.

F-3S Orion. Follow-on production version with 4,910 eshp Allison T-56-A-14 turboprop engines, which do not need water-alcohol injection. USN contracts covered 286 P-3As and P-3Bs. In addition, five P-3Bs were delivered to the Royal New Zealand Air Force in 1966, ten to the Royal Australian Air Force during 1968 and five to Norway in the Spring of 1969. USN P-3Bs have been modified to carry Bullpup missiles.

EP-3B Orion. Designation of a small number of P-3Bs converted during 1970 to replace Lockheed EC-121s in service with VQ-1 squadron.

P-3C Orion. Advanced version with the A-NEW system of sensors and control equipment, built around a Univac digital computer, that integrates all ASW information and permits retrieval, display and transmission of tactical data in order to eliminate routine log-keeping functions. This increases crew effectiveness by allowing them sufficient time to consider all tactical data and devise the best action to resolve the problem. First flight of this version was made on 18 September 1969 and the P-3C entered service in 1969.

In early 1971 a standard P-3C set eight world records for heavyweight turbo-prop aircraft, including a non-stop flight from Atsugi, Japan, to Patuxent River, Maryland, a distance of 5,954 nm (6,557 miles; 11,035 km). A speed record of 436 knots (502mph; 808 km/h) over a 15/25km course and an altitude record for horizontal flight of 44,900 ft (13,685 m) were achieved also. Four "time-to-height" records from ground to 9,842 ft (3,000 m), 19,685 ft (6,000 m), 29,527 ft (9,000 m), and 39,370 ft (12,000 m) were also claimed by the P-3C. The climb was continued to 46,100 ft (14,051 m), representing a new altitude record for this class of aircraft.

The following data refer to the current P-3C production version, but are generally applicable to other versions, except for the details noted.

Type: Four-turboprop naval ASW aircraft.

Wings: Cantilever low-wing monoplane. Wing section NACA 0014 (modified) at root, NACA 0012 (modified) at tip. Dihedral 6°. Incidence 3° at root, 0° 30' at tip. Fail-safe box beam structure of extruded integrally-stiffened aluminum

- alloy. Lockheed-Fowler trailing-edge flaps. Hydraulically-boosted aluminum ailerons. Anti-icing by engine-bleed air ducted into leading-edges.
- Fuselage:** Conventional aluminum alloy semimonocoque fail-safe structure. Outside diameter 11 ft 4 in (3.45m).
- Tail Unit:** Cantilever aluminum alloy structure with dihedral tailplane and dorsal fin. Fixed incidence tailplane. Hydraulically-boosted rudder and elevators. Leading-edges of fin and tailplane have electrical anti-icing system.
- Landing Gear:** Hydraulically-retractable tricycle type, with twin wheels on each unit. All units retract forward, main wheels into inner engine nacelles, oleo-pneumatic shock-absorbers. Main wheels have size 40 × 14 type VII 26-ply tubeless tyres. Nose wheels have size 28 × 7.7 type VII tubeless tyres. Hydraulic brakes. No anti-skid units.
- Power Plant:** Four 4,910 eshp Allison T56-A-14 turboprop engines, each driving a Hamilton Standard 54H60 four-blade constant-speed propeller, diameter 13 ft 6 in (4.11 m). Fuel in one tank in fuselage and four wing integral tanks, with total usable capacity of 9,200 US gallons (34,826 litres). Four overwing gravity fueling points and central pressure refueling point. Oil capacity (min usable) 29.4 US gallons (111 litres) in four tanks.
- Accommodation:** Normal ten-man crew. Flight deck has wide-vision windows, and circular windows for observers are provided fore and aft in the main cabin, each bulged to give 180° visibility. Main cabin is fitted out as a five-man tactical compartment containing the most advanced electronic, magnetic and sonic detection equipment, an all-electric galley and large crew rest area.
- Systems:** Air-conditioning and pressurisation system supplied by two engine-driven compressors. Pressure differential 5.4 lb/sq in (0.38 kg/cm²). Hydraulic system, pressure 3,000 lb/sq in (210 kg/cm²), for flaps, control surface boosters, landing gear actuation, brakes and bomb-bay doors. Pneumatic system, pressure 3,000/1,200 lb/sq in (210/85 kg/cm²), for ASW store launchers (P-3A/B only). Electrical system utilises three 60kVA generators for 120/208V 400 Hz AC supply. 24V DC supply. Integral APU with 60kVA generator for ground air-conditioning and electrical supply and engine starting.
- Electronics and Equipment (P-3A/B):** Communications and navigation equipment comprises two ARC-94 HF transceivers, ARC-84 VHF transmitter, two ARC-84 VHF receivers, two ARC-51A UHF transceivers, AIC-22 interphone, TT-264/AG teletypewriter, UNH-6 communications tape recorder, two CU-351 HF couplers, ASN-42 inertial navigation system, APN-153 Doppler navigation system, ASA-47 Doppler air mass computer, ASN-50 AHRs, APN-70 LORAN, ARN-52 TACAN, DF-202 radio compass, ARN-32 marker beacon receiver, APN-141 radar altimeter, ARA-25A UHF direction finder, two NVA-22A VOR installations, two HSI A/A24G-9 true airspeed computer, PB-20N autopilot, ID-888/U latitude/longitude indicator, and APQ-107 radar altitude warning system. ASW equipment includes ASA-16 tactical display, two APS-80 radar antennae for 360° coverage, APA-125A radar display, ASR-3 trail detector, two ARR-52A sonobuoy signal receivers, AQA-1 sonobuoy indicator, AQA-5 sonobuoy indicator (Jezebel), ASA-20A sonobuoy recorder (Julie), ASQ-10A magnetic anomaly detector in plastic tail "sting", modified ALD-2B ECM direction finder for detecting and locating electronic emissions from submarines, ULA-2 ECM signal analyser, APX-6 IFF identification, APX-7 IFF recognition, APA-89 IFF coder group, AQH-1(V) tactical tape recorder, ASA-50 ground speed and bearing computer, R-1047/A on-top position indicator, TD-441/A intervalometer, PT396/AS ground track plotter, ASA-13 tactical plot board, bearing-distance-heading indicator and K7 364 video decoder. Equipment for day or night photographic reconnaissance. Searchlight under starboard wing.
- Electronics and Equipment (P-3C):** The ASQ-114 general-purpose digital computer is the heart of the P-3C system. Together with the AYA-8 data processing equipment and computer-controlled display systems, it permits rapid analysis and utilisation of electronic, magnetic and sonic data. Nav/com system comprises two ASN-84 inertial navigation systems, with latitude and longitude indicators; APN-187 Doppler; ARN-81 Loran A and C; ARN-52 TACAN; two ARN-87 VOR receivers; ARN-32 marker beacon receiver; ARN-83 IFF-ADF; ARA-25A UHF direction finder; AJN-15 flight director indicator for tactical directions; HSI for long-range flight directions; glide-slope indicator; on-top position indicator; two ARC-142 HF transceivers; two ARC-143 UHF transceivers; ARC-101 VHF receiver/transmitter; AGC-6 teletype and hi-speed printer; HF and UHF secure communication units; UCQ-5 data link communication set and AIC-22 interphone set; APX-72 IFF transponder and

APX-76 SIF interrogator. Electronic computer-controlled display equipment includes ASA-70 tactical display; ASA-66 pilot's display; ASA-70 radar display and two auxiliary readout (computer-stored data) displays. ASW equipment includes two ARR-72 sono receivers; two AQA-7 DiFAR sonobuoy indicator sets; hyperbolic fix unit; acoustic source signal generator; time code generator and AQH-4(V) sonar tape recorder; ASQ-81 magnetic anomaly detector; ASA-64 submarine anomaly detector; ASA-65 magnetic compensator; ALQ-78 electronic countermeasures set; APS-115 radar set (360° coverage); ASA-69 radar scan converter; AXR-13 low light level television (displayed on both ASA-70s); KA-74 forward computer-assisted camera; KB-18A automatic strike assessment camera with horizon-to-horizon coverage; RO-308 bathythermograph recorder. Additional equipment includes APN-141 (V) radar altimeter; two APQ-107 radar altimeter warning systems; A/A24G-9 true airspeed computer and ASW-31 automatic flight control system.

ARMAMENT: Bomb-bay, 80 in wide, 34.5 in deep and 154 in long (2.03 m × 0.88 m × 3.91 m), forward of wing, can accommodate a 2,000 lb MK 25/39/55, 56 mine, three 1,000 lb MK 36/52 mines, three MK 57 depth bombs, eight MK 54 depth bombs, eight MK 43/44/46 torpedoes or a combination of two MK 101 nuclear depth bombs and four MK 43/44/46 torpedoes. There are ten underwing pylons for stores. Two under centre-section each side can carry torpedoes or 2,000-lb mines. Three under outer wing each side can carry respectively (inboard to outboard) a torpedo or 2,000 lb mine (or searchlight on starboard wing), a torpedo or 1,000-lb mine or rockets singly or in pods; a torpedo or 500-lb mine or rockets singly or in pods. Torpedoes can be carried underwing only for ferrying; mines can be carried and released. Search stores, such as sonobuoys and sound signals, are launched from inside cabin area in the P-3A/B. In the P-3C sonobuoys are loaded and launched externally. Max total weapon and load includes six 2,000 lb mines under wings and a 7,252 lb (3,290 kg) internal load made up of two MK 101 depth bombs, four MK 44 torpedoes, pyrotechnic pistol and 12 signals, 87 sonobuoys, 100 MK 50 underwater sound signals (P-3A/B), 18 X1-3A marine markers (P-3A/B), 42 MK-7 marine markers, two B.T. buoys, and two MK 5 parachute flares. Sonobuoys are ejected from P-3C aircraft with explosive cartridge actuating devices (CAD), eliminating the need for a pneumatic system.

Dimensions, external:

Wing span, 99 ft 8 in (30.37 m)
 Wing chord at root, 18 ft 11 in (5.77 m)
 Wing chord at tip, 7 ft 7 in (2.31 m)
 Wing aspect ratio, 7.5
 Length overall 116 ft 10 in (35.61 m)
 Height over tail, 33 ft 8½ in (10.29 m)
 Tailplane span, 42 ft 10 in (13.06 m)
 Wheel track (C/L shock-struts), 31 ft 2 in (9.50 m)
 Wheelbase, 29 ft 9 in (9.97 m)
 Cabin door:

Height, 6 ft 0 in (1.83 m)
 Width, 2 ft 3 in (0.69 m)

Dimensions, internal:

Cabin, excluding flight deck and electrical load centre:
 Length, 60 ft 1 in (21.06 m)
 Max width, 10 ft 10 in (3.30 m)
 Max height, 7 ft 6 in (2.29 m)
 Floor area, 658 sq ft (61.13 m²)
 Volume, 4,260 cu ft (120.6 m³)

Areas:

Wings, gross, 1,300 sq ft (120.77 m²)
 Ailerons (total), 90 sq ft (8.36 m²)
 Trailing-edge flaps (total), 208 sq ft (19.32 m²)
 Fin, with dorsal fin, 116 sq ft (10.78 m²)
 Rudder, including tab, 60 sq ft (5.57 m²)
 Tailplane, 241 sq ft (22.39 m²)
 Elevators, including tabs, 81 sq ft (7.53 m²)

Weights (P-3B/C):

Weight empty, 61,491 lb (27,890 kg)
 Max expendable load, 20,000 lb (9,071 kg)
 Max normal T-O weight, 135,000 lb (61,235 kg)
 Max permissible weight, 142,000 lb (64,410 kg)
 Design landing weight, 111,000 lb (51,709 kg)

Performance (P-3B/C, at max T-O weight, except where indicated otherwise):
 Max level speed at 15,000 ft (4,570 m) at AUW of 105,000 lb (47,625 kg),
 411 knots (473 mph; 761 km/h)
 Econ cruising speed at 25,000 ft (7,620 m) at AUW of 110,000 lb (49,895 kg),
 328 knots (378 mph; 608 km/h)
 Patrol speed at 1,500 ft (450 m) at AUW of 110,000 lb (49,895 kg), 206
 knots (237 mph; 381 km/h)
 Stalling speed, flaps up, 133 knots (154 mph; 248 km/h)
 Stalling speed, flaps down, 112 knots (129 mph; 208 km/h)
 Rate of climb at 1,500 ft (457 m), 1,950 ft (594 m)/min
 Service ceiling, 28,300 ft (8,625 m)
 Service ceiling, one engine out 19,000 ft (5,790 m)
 T-O run, 4,240 ft (1,290 m)
 T-O to 50 ft (15 m), 5,490 ft (1,673 m)
 Landing from 50 ft (15 m) at design landing weight, 2,770 ft (845 m)
 Max mission radius (no time on station) at 135,000 lb (61,235 kg), 2,070
 nm (2,383 miles; 3,835 km)
 Mission radius (3 hr on station at 1,500 ft=457 m), 1,346 nm (1,550 miles,
 2,494 km)

APPENDIX 5

LISTS SUPPLIED BY DEPARTMENT OF COMMERCE ON CHANGES IN VALIDATED LICENSE LISTS IN THE PAST 6 YEARS

Four lists have been prepared in response to the subcommittee request for information on what items have been removed in the past 6 years from the validated license list for Communist countries, whether this applies also to South Africa and Portugal, and what items have been removed from the list for South Africa and Portugal only.

For export control purposes, Portugal, its African territories, and the Republic of South Africa are grouped with most other non-Communist nations, all subject to the same level of control. A few selected items are subject to validated license for South Africa, but may be shipped under a general license authorization to the other countries in the group.

Communist countries are found in five different export control groups. Yugoslavia is grouped with the free world destinations discussed in the preceding paragraph; Poland and Romania, for foreign policy reasons, each form an individual "group" and are treated more liberally than their neighboring Communist countries; North Korea, North Vietnam, and Cuba are in a fourth group subject to virtual embargo; and the U.S.S.R. and the East European countries not mentioned above, along with the People's Republic of China, constitute the largest grouping of Communist countries for export control purposes. To avoid a highly complex, and possibly confusing, compilation of decontrol actions, our listing of decontrols is limited to the fifth of these groups.

List 1 indicates those commodities that were under validated license 6 years ago for Eastern Europe and the PRC, but could be shipped to free world destinations under general license, and have since been placed under general license for Eastern Europe and the PRC also. Because of special foreign policy controls in effect for South Africa, a few commodities remain under validated license for that destination and are marked in the list with an asterisk(*).

List 2 indicates the commodities that have been decontrolled in the past 6 years for free world and Communist destinations concurrently.

List 3 indicates the commodities that have been decontrolled in the past 6 years for free world destinations, including Portugal and South Africa, but were not simultaneously decontrolled for Communist countries. Some of these items were further decontrolled at a later date and appear in List 1.

List 4 indicates items that formerly required validated license for shipment to South Africa, but not to Portugal or other free world destinations, but have since been removed from validated license for South Africa also.

1. The following commodities were removed from validated license in the past 6 years for export to Eastern Europe and the People's Republic of China, but were already under general license to Portugal and South Africa:

APRIL 1-JUNE 30, 1967

- 053 peanuts, roasted or otherwise prepared, except salted.
- 22110 Peanuts (groundnuts), green, shelled or unshelled.
- 023 Butter and anhydrous milk fat.
- 024 Cheese and curd.
- 047 Cereal flours, meal, and groats.
- 04100 Seed wheat chemically treated and colored for use as seed, *except inbred seed wheat*.
- 04300 Seed barley chemically treated and colored for use as seed, *except inbred seed barley*.
- 421 Vegetable oils, soft, excluding hydrogenated.
- 42210 Linseed oil, raw.
- 42230 Coconut oil.

- 29250 alfalfa, fescue grass, timothy grass, red top, sugar beet, and all clover seeds.
- 121 Leaf tobacco, stemmed or unstemmed, and other unmanufactured tobacco.
- 111 Chocolate flavored milk beverages.
- 242 Pulpwood and Port Orford cedar logs and lumber.
- 42270 Persic oil USP.
- 56100 Natural animal or vegetable fertilizers chemically treated, and mixed fertilizers, except ammonium phosphates.
- 59951 Corn starch and other grain starches.
- 71715 Textile cutting machines, and parts and attachments, n.e.c.
- 59964 Wood rosins: gum rosin; tall oil rosin; derivatives of rosin and resin acids, except ester gums.
- 048 malt, malt flour, and malt extract; macaroni, noodles, and similar products; and preparations of flour, starch or malt extract.
- 43130 Fatty acids and refining by-products.
- 271 Fertilizers, crude.
- 26310 Raw cotton, excluding linters.
- 26330 Cotton waste.
- 26340 Cotton, carded or combed (laps, sliver and roving).
- 29251 Pyrethrum extract.
- 51209 behenic, lauric, myristic and palmitic acids.
- 69523 Industrial guns, and parts, n.e.c.
- 69861 Coil springs, torsion springs, leaf springs, and leaves for springs, iron or steel, for passenger cars, and for trucks 12,000 pounds or under.
- 71851 Equipment for mixing and forming minerals, and accessory equipment as follows: bugging cutting machines, grout mixers and plaster and mortar mixers and parts therefor.
- 71921 Beverage pumps for soft drink machines.
- 71921 Fuel pumps specially designed for automotive vehicles and trucks; and parts n.e.c.
- 71931 Other construction jacks; drill jacks.
- 71954 wood preparation equipment for the paper industry, and parts, accessories and attachments.
- 72220 Fuses, dimmer switches, lighting switches, power relays and other electrical apparatus for making, breaking or protecting electrical circuits on automobiles, buses, motorcycles, tractors, trucks, watercraft and industrial engines; and parts, n.e.c.
- 72310 Ignition harness and cable sets, automotive type.
- 72912 Storage batteries, 6 and 12 volt, lead acid type.
- 72941 Electrical starting and ignition equipment, automotive type, and parts, *except spark plugs and parts*.
- 72942 Motor vehicle sealed beam lamps.
- 72995 Ignition capacitors (condensers) designed for automotive vehicles, and parts.
- 73201 Other passenger cars.
- 86182 Speedometers, tachometers and other counting devices for motor vehicles.
- 86193 Measuring and checking instruments, appliances and machines for automotive maintenance (includes wheel balancers), and parts.
- 86197 Other instruments for watercraft, motor vehicles and other vehicles.
- 86198 Chemical analysis equipment, qualitative and quantitative.

OCTOBER 1-DECEMBER 31, 1967

- 51203 Sulfonamide drugs, bulk; and synthetic organic medicinal chemicals, bulk, *the following only*: acetophenetidin; acetylsalicylic acid or aspirin; allantoin; alloxane; amidopyrine; 2-amino-5-nitrothiazole; aminodiazine; aminoethylpyrimidine; aminomethylpyrimidine; 2-aminopyrimidine; aminopyrine; 2-aminothiazole; antypyrene; apiol; apolysin; Aralen diphosphate®; arrhenal; Atabrine dihydrochloride®; barbital; barbital sodium; barbituric acid; betaine; betaine hydrochloride; butabarbital acid; butabarbital sodium; chloroquine base; choline chloride; colace; compound N (Connell) granulation; d-propoxyphenylhydrochloride; dehydrocholic acid; diiodo-tyrosine; diallylbarbituric acid; diethylbarbituric acid; diethylstilbestrol; dihydrocholic acid USP; 3, 3-diethyl-5-methyl-2,4-piperidinedione; ethioheptazine; ethioheptazine citrate; exol; glycerophosphates; glycerophosphoric acid and salts; guaiacol glyceryl ether; guaiamar; hexestrol NNR; histamine; hista-

mine phosphate; hydrocholin; isobutyl allyl barbituric acid; khellin; menthol crystals; methol, natural and synthetic; methyl acetanilid; Pamaquine (plasmochin) naphthoate®; nicarbazin; nicarbazin, microatomized; nithiazide; pentobarbital, sodium; pentobarbituric acid; phenacetin; phenetsal; phenobarbital; phenobarbital, sodium; phenylazo diamino pyridine; phenyl salicylate; phenyldimethylpyrazolmethylamino methane sulfonate; phenylethyl barbituric acid; pontalin granulation; pontalin powder; prominal; propenpyridamine maleate; pyramidon; pyranisamine maleate; pyridium; pyrilamine maleate (benzal); pyrilamine maleate N.N.R.; salicin; salol; salophen; secobarbital sodium salicylate; stilbestrol; thymol; thymol blue; thymol iodide; trans-dehydro-androsteroneacetate-semicarbazone; uric acid; urine, concentrated; wintodon granulation; and Wyamine sulfate®.

54150 Isopropyl adrenalin sulfate, bulk.

54161 Aloin, bulk.

54170 Medicinal chemicals, bulk, *the following only*: iron and arsenic; Neosilvol®; Padrophyl® (propadrine hydrochloride and theophylline); procaine and epinephrine; Rezipas®; selenium sulfide bentonite; sulfoplex 10 percent polythionate sodium solution; and Trophite® liquid mixture for manufacture of Trophite® (no vitamins included).

65162 Other noncellulosic man-made fiber monofil, n.e.c.

65166 Other noncellulosic man-made fiber filament yarn and thread of filament yarn.

65167 Other noncellulosic man-made fiber spun yarn; and other thread made of such yarn.

081 Oilseed cake, meal, and other residues.

22140 Soybeans.

JANUARY 1-MARCH 31, 1968

69521 Hacksaw blades, hand or power.

71953 Other power-operated nonelectric hand tools; and parts and attachments.

71842 Self-propelled ditchers and trenchers incorporating engines rated 60 horsepower or less; and parts, accessories, and attachments.

APRIL 1-JUNE 30, 1968

71220 Other agricultural machines and appliances for harvesting, cutting, threshing, and sorting; and parts and attachments, n.e.c.

71250 Other wheel tractors (including garden tractors and tillers) under 30 power takeoff horsepower.

71290 Self-propelled agricultural machinery, n.e.c.; and parts and attachments, n.e.c.

71953 Pneumatic nailers and pneumatic stapler guns; and parts and attachments.

71953 Power operated nonelectric hand tools, metalworking; and parts and attachments.

21539 Mechanical and semi-chemical wood pulp, including screenings and wood pulp, n.e.c.

25160 Chemical wood pulp, dissolving grades.

25171 Sulphate wood pulp, unbleached.

25172 Sulphate wood pulp, bleached or semibleached, other than dissolving grades.

25181 Sulphite wood pulp, unbleached.

25182 Sulphite wood pulp, bleached, other than dissolving grades.

58131 Vulcanized fiber, unfinished or semifinished.

62105 Other rubber hose and tubing, n.e.c.

62940 Transmission, conveyor, or elevator belts and belting of rubber, including V-type.

62988 Other rubber packing.

62989 Articles of hardened rubber, n.e.c.

73280 Other parts and accessories specially designed for wheel tractors (including garden tractors and motor tillers) under 30 power takeoff horsepower.

65545 Other rubberized tape, textile base. [Report surgical or medicated tape in No. 54191, and bonded fiber (nonwoven) fabric tape in No. 65541.]

65545 Other textile fabrics, n.e.c., coated, covered, or impregnated with rubber.

71210 Agricultural machines and appliances for preparing, planting, and cultivating the soil; and parts and attachments, n.e.c.

JANUARY 1-JULY 31, 1970

- 27510 Crushing bort, except dust and powder; and industrial diamonds.
- 27521 Diamond dust and powder, natural or synthetic.
- 27661 Mill scale.
- 27698 Natural borates and other boron materials (for example, colemanite, pandermite, kernite, priceite, and ulexite.)
- 28398 Niobium (columbium) ores and concentrates.
- 28398 Cobalt ores and concentrates.
- 28401 Tantalum bearing slag; and niobium (columbium) bearing slag.
- 28404 Aluminum alloy scrap having: (a) an average copper content of 1 percent or more irrespective of other elements; or (b) an average copper content of less than 1 percent and (i) a zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.
- 29220 Organic flocculating agents.
- 331 Crude petroleum, including shale oil; and petroleum partly refined for further refining, including topped crudes.
- 33210 Diisobutylene; cumene; and saturated and unsaturated straightchain hydrocarbons.
- 33220 Kerosene.
- 33230 Distillate fuel oils.
- 33240 Residual fuel oils.
- 33291 Nonlubricating and nonfuel petroleum oils, the following only hexanes; hexenes; methyl pentanes; normal heptane; normal hexane; normal pentane; octanes (octylenes); pentanes; pentenes; insulating or transformer oils, except polybutene; quenching and cutting oils; standard reference fuels; white mineral oils in containers of 42 gallon capacity or over; and other hydraulic fluids, n.e.c., petroleum based.
- 51202 Phenol.
- 51209 Monochlorodifluoroethane and monochlorodifluoromethane.
- 51209 Boric acid esters.
- 51209 Organic flocculating agents.
- 51209 Organic chemicals, the following only: amyl ziram; dibutyl tin compounds; diorgano siloxanes capable of being polymerized to rubbery products; isopropyl ether; 2,4,4,trimethylpentene; and thiodiglycol.
- 51338 Certain boric acids.
- 51460 Certain fluoroborates; and borates refined.
- 51470 Certain boron compounds and mixtures.
- 58120 Organic flocculating agents.
- 58132 Cellulose acetate film suitable for sielectric use, 0.0015 inch (0.038 mm.) or less in thickness.
- 59975 Zine diisooctylidithiophosphate lube oil additive.
- 59999 Organic flocculating agents, n.e.c.
- 65351 Parachute fabric, broad woven, wholly or in chief weight noncellulosic man-made filament yarn and monofilament.
- 65352 Parachute fabric, broad woven, wholly or in chief weight noncellulosic spun yarn.
- 65361 Parachute cloth of broad woven fabric, wholly or in chief weight cellulosic filament yarn.
- 65362 Parachute cloth of broad woven fabric, wholly or in chief weight cellulosic spun yarn.
- 66232 High temperature refractory brick and similar shapes, and other refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide.
- 66233 High temperature refractory cement or mortar containing 97 percent or more by weight of magnesium oxide.
- 66311 Certain diamond grinding wheels fabricated with polyimides polybenzimidazoles, polyimidazopyrrolones, aromatic polyamides, polyparaxylylenes, or polyimid-polyamide.
- 67150 Ferrocolumbium, ferro tantalum, and ferrocolumbium-tantalum, and ferromolybdenum.
- 67210 Puddled bars and pilings, blocks, lumps, and other primary forms of iron or steel, n.e.c.
- 67274 Carbon steel or iron coils for rerolling.
- 67444 Certain iron or steel plates and sheets, including black plate.
- 67470 Tin mill products.

- 67503 Alloy steel hoop and strip.
- 67504 Other carbon steel hoop and strip.
- 68111 Silver-copper brazing alloy.
- 68401 Aluminum alloy ingots and other unwrought forms, and bars, rods, angles, shapes, sections, and bare wire having: (a) an average copper content of 1 percent or more irrespective of other elements; or (b) an average copper content of less than 1 percent and (i) a zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.
- 68422 Aluminum alloy plates and sheets having: (a) an average copper content of 1 percent or more irrespective of other elements; or (b) an average copper content of less than 1 percent and (i) zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.
- 68425 Certain aluminum or aluminum alloy tubes, pipes, and tube blooms having: (a) an average copper content of 1 percent or more irrespective of other elements; or (b) an average copper content of less than 1 percent and (i) a zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.
- 68941 Tungsten wire made from pressed-sintered tungsten.
- 68941 Tungsten or tungsten alloy press-sintered forms weighing 15 pounds up to but not including 20 pounds.
- 68950 Certain niobium (columbium) alloys, wrought or unwrought, and waste and scrap.
- 68950 Germanium metal and alloys.
- 68950 Thermo bimetal, thermometal, and thermostatic metal, n.e.c.
- 69110 Certain iron or steel sheet metal construction material.
- 69120 Bridges and structural parts, aluminum.
- 69211 Certain iron or steel storage tanks, lined.
- 69212 Certain containers, copper or copper alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69212 Gas storage containers copper
- 69213 Certain containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69213 Certain containers for storage and manufacturing use, lined or unlined, aluminum or aluminum alloy.
- 69221 Certain gas shipping containers, iron or steel.
- 69222 Certain containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69222 Certain gas shipping containers, aluminum or aluminum alloy.
- 69231 Certain compressed gas cylinders and similar pressure containers, filled or unfilled, iron or steel.
- 69232 Certain compressed gas cylinders and similar pressure containers, filled or unfilled, aluminum or aluminum alloy.
- 69299 Certain gas shipping containers which are instruments of international trade, filled or unfilled, all metals.¹
- 69313 Wire cable, rope, plaited bands, slings, and similar articles, aluminum, having: (a) an average copper content of 1 percent or more irrespective of other elements; or (b) an average copper content of less than 1 percent and (i) a zinc content of 4 percent or more, (ii) a silicon content of 3.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.
- 69521 Power saw blades, metalworking.
- 69524 Drill bits, core bits, and reamers containing diamonds, 4 inches o.d. and over.
- 69525 Machine knives and blades, metal cutting.
- 69861 Coil springs, torsion springs, leaf springs, and leaves for springs, iron or steel, for other vehicles.
- 69887 Certain molybdenum alloy welding rods, wires, and electrodes, including brazing rods.
- 69887 Certain niobium (columbium) alloy welding rods, wires, and electrodes, including brazing rods.
- 69887 Certain tantalum alloy welding rods, wires, and electrodes, including brazing rods.
- 69891 Certain iron or steel storage tanks, lined.

- 69892 Certain containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69892 Certain gas shipping and storage containers, copper or copper alloy.
- 69899 Certain gas shipping and storage containers of nonferrous metals, n.e.c.
- 69899 Certain containers for storage and manufacturing use, aluminum or aluminum alloy.
- 69899 Aluminum alloy castings and forgings which have: (a) an average copper content of 1 percent or more irrespective of other elements; or (b) an average copper content of less than 1 percent and (i) a zinc content of 4 percent or more, (ii) a silicon content of 9.5 percent or more, or (iii) a magnesium content of 9.5 percent or more.
- 69899 Certain germanium metal castings and forgings.
- 69899 Certain molybdenum alloy castings and forgings.
- 69899 Certain niobium (columbium) alloy castings, forgings, wire, and cable.
- 69899 Tungsten or tungsten alloy castings and forgings, press-sintered forms, *except porous*, weighing 15 pounds up to but not including 20 pounds.
- 71181 Parts, n.e.c., for water turbines and water engines 200,000 kilowatts and over.
- 71430 Electrical typewriting machines specially designed for use with electronic computers, printing serially one character at a time and not exceeding 2,500 characters per minute, including such machines with card and/or paper tape devices which do not operate faster than the typewriter when used independently.
- 71492 Parts and accessories, n.e.c., for electrical typewriting machines specially designed for use with electronic computers, printing serially one character at a time and not exceeding 2,500 characters per minute, including such machines with card and/or paper tape devices which do not operate faster than the typewriter when used independently.
- 71510 Certain portable pipe bending machines.
- 71842 Dredging machines; and parts, accessories, and attachments, n.e.c.
- 71851 Certain foundry sand agglomerating, molding, or shaping machines; and parts, n.e.c.
- 71852 Standard equipment for the assembly of entertainment type receiver tubes or television tubes; and parts and accessories, n.e.c.
- 71915 Commercial refrigeration equipment mechanically operated, capable of maintaining temperatures below minus 130° C.; and parts, n.e.c.
- 71915 Certain refrigeration equipment specially designed for use of liquefied gases as a coolant, capable of creating or maintaining temperatures of below minus 202° F. (minus 130° C.); and parts, n.e.c.
- 71919 Machines and equipment specially designed for use at temperatures below minus 202° C.; and parts, n.e.c.
- 71922 Gas engine driven, integral angle reciprocating compressors above 500 horsepower; and parts and attachments, n.e.c.
- 71964 Foundry blast cleaning machines.
- 71980 Certain machines and mechanical appliances, *the following only*: air heaters, portable, fuel fired, n.e.c., cattle stunners; coiling machines, flexible casing or flexible tube; crushers, laboratory; dehumidifiers, non-freezing; evaporative type coolers; filling machines, mattress; grinding mills, laboratory; humidifiers, air; impregnators, non-centrifugal; mixing and dispensing machines, color molding machinery, wax; presses, degreasing, soap making; power sweepers; pulsating dampeners; ribbon coiling machines; rope making machines, spacers, brush section, for street sweepers; spinning machines; sweepers, road, tanks with agitators; taping machines for covering wire and cable; underwater weed cutting machines, wire-braiding, wire-bunching, wire rope-making, or wire-stretching machines; and parts therefor, n.e.c.
- 71992 Certain valves, cocks, or pressure regulators designed to operate at temperatures below minus 202° F. (minus 130° C.) down to and including minus 274° F. (minus 170° C.); and parts, n.e.c.
- 72210 Certain servo motors, 12,500 horsepower and over; and parts and accessories, n.e.c.
- 72210 Certain servo motors; and parts and accessories, n.e.c.
- 72210 Certain generators and generator sets of 5 kilowatts or over; and parts and accessories, n.e.c.
- 72210 Certain electronic transformers; and certain electronic coils, reactors, and chokes made of magnetic materials; and parts, n.e.c.

- 72220 Motor controls specially designed for other electric motors of 12,500 horsepower or over; and parts and accessories, n.e.c.
- 72310 Certain insulated tungsten wire made from press-sintered tungsten.
- 72491 Certain communications transmission equipment employing analog techniques, including frequency division multiplex, as follows: (a) designed to transmit, carry, or receive frequencies from higher than 16 KHz up to and including 150 KHz, and (b) terminal equipment specially designed for power lines and operating within the range of frequencies from 16 to 1500 KHz; and parts, accessories, components, and subassemblies, n.e.c.
- 72491 Certain telegraph apparatus, as follows: (a) suitable for use at speeds greater than 200 words per minute or 150 bauds, or (b) other multichannel telegraph terminal transmitting and receiving equipment; and components, parts, and accessories, n.e.c.
- 72492 Telephone repeater equipment employing analog techniques, including frequency division multiplex designed for frequencies from higher than 16 KHz up to and including 150 KHz; and parts, accessories components, and subassemblies, n.e.c.
- 72499 Certain multi-channel radio-telegraph terminal transmitting and receiving equipment; and other radio-telegraph equipment suitable for use at speeds greater than 200 words per minute or 150 bauds and components, parts, and accessories, n.e.c.
- 72499 Certain panoramic adaptors for commercial radio receivers; and parts and accessories, n.e.c.
- 72499 Certain untuned amplifiers having a bandwidth of less than 30 MHz and a power output not exceeding 5 watts; and parts, n.e.c.
- 72499 Certain radio-telephone carrier, terminal, or amplifier equipment; and parts and accessories, n.e.c.
- 72620 X-ray diffraction tubes and valves, X-ray diffraction units, and X-ray goniometers; and parts, n.e.c.
- 72912 Electrically rechargeable storage cells, hermetically sealed, designed to have a leakage rate of 10^{-5} cubic centimeters per second of gas or less when tested under pressure differential of 3 atmospheres; and parts, components, and subassemblies, n.e.c.
- 72920 Single coil tungsten filaments.
- 72930 Certain cathode ray tubes with screen afterglow longer than $\frac{1}{2}$ second; and other alpha-numeric and similar data or information display tubes in which the displayed position of each character is fixed; and parts and accessories, n.e.c.
- 72930 Color television picture tubes with 3 or more electron guns; and parts and accessories, n.e.c.
- 72930 Commercial standard television broadcasting camera tubes; and parts and accessories, n.e.c.
- 72930 Certain photomultiplier tubes and photo tubes, n.e.c.; parts and accessories, n.e.c.
- 72952 Certain cathode ray oscilloscopes (oscillographs) having (a) a bandwidth greater than 5 MHz (defined as the band of frequencies over which the loss does not exceed 3 decibels), or (b) a timebase shorter than 50 nanoseconds per centimeter.¹
- 72952 Certain magnetometers, including geophysical and gaussmeters, of the following types; (a) electron-beam sensing, (b) nucleonic, and (c) Hall effect.
- 72952 Radio testing instruments of apparatus, n.e.c.: and electrometers capable of measuring currents smaller than 0.01 microamperes.
- 72952 Gas and liquid chromatographs.
- 72952 Electrophotometers, spectrographs, spectrophotometers, densitometers, and other spectrum measuring instruments, optical.
- microphotometers, and other spectrum measuring instruments, optical.
- 72991 Certain electro-magnetic and permanent magnet clucks, clamps, vices, and similar work holders for metalworking machines and machine tools.
- 72995 Certain tantalum electrolytic capacitors; and parts, n.e.c.
- 73163 Certain containers suitable for transport by rail, road, and ship, all metals, jacketed only, 500 gallon capacity or over, for the transportation of liquefied gases.
- 73410 Nonmilitary gliders, sailplanes, and other non-powered aircraft, n.e.c.,
- 73492 Parts and accessories, n.e.c., for nonmilitary gliders, sailplanes, and other non-powered aircraft, n.e.c.

- 81230 Lavatories, sinks, and other sanitary and plumbing fixtures specially designed for aircraft; and parts, n.e.c.
- 84160 Underwater apparel, n.e.c., designed for scuba diving.
- 86112 Lenses and other optical elements for X-ray powder cameras.
- 86112 Optical elements specially designed for spectrum measuring instruments or microphotometers.
- 86140 X-ray powder cameras; and parts and accessories, n.e.c.
- 86172 Certain self-contained diving and underwater breathing apparatus (scuba); and specially designed components, therefore, n.e.c.
- 86182 Stroboscopes containing one or more electronic compounds.
- 86198 Spectrum measuring instruments, optical, and densitometers; and parts, n.e.c.
- 86198 Gas and liquid chromatographs; and parts, n.e.c.
- 86199 Certain untuned amplifiers having a bandwidth exceeding 10 MHz but less than 30 MHz and a power output not exceeding 5 watts; and parts, n.e.c.
- 86199 Amplifiers, electronic or magnetic, designed for use with resolvers, as follows: (a) isolation types having a variation of gain constant (linearity of gain) better than 0.5 percent and not less than 0.2 percent, or (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of better than 0.5 percent and not less than 0.2 percent; and parts, n.e.c.
- 86199 Certain isolation and summing type amplifiers; and parts, n.e.c.
- 86199 Certain amplifiers designed to operate at frequencies from 300 MHz up to and including 500 MHz; and parts, n.e.c.
- 86199 Oscilloscope amplifiers and preamplifiers having a bandwidth greater than 5 MHz up to and including 12 MHz; and parts, n.e.c.
- 86199 Parts and accessories, n.e.c., for gas and liquid chromatographs.
- 89712 Platinum-clad molybdenum wire.
- 27410 Sulfur elemental, frash, or recovered by any process.
- 27521 Dust and powder of other natural or synthetic precious or semi-precious stones.
- 27623 Dolomite, dead burned.
- 51202 Dimethylbenzenesulfonic acid; 2,5-dichlorobenzenesulfonic acid; 5-dimethylamine-1-naphthalene sulfonyl chloride; n-phenylanthranilic acid-isophthalic acid; m-cresol; p-cresol; mesitylene (1,3,5-trimethylbenzene); hemimellitene (1,2,3-trimethylbenzene); pseudocumene (1,2,4-trimethylbenzene); ethylbenzenephthalic anhydride; tetrachlorophthalic anhydride; 3,4-pyridine-carboxylic acid; pyridine (refined); o-phenylenediamine; acetylpyridine; o-toluidine; m-phenylenediamine; 3,4-dichloroaniline; o-nitrotoluene; p-nitrochlorobenzene; mercaptobenzothiazole; trinitrophenyl phosphite; thiophenol; diisopropylbenzene; diphenyl oxide; ortho-phenyl-phenol; ortho cresol; benzyl alcohol; pentylethyl alcohol; and vinylbenzene.
- 51203 Piperazine; alanine; arginine; aspartic acid; cysteine; histidine; hydroxyproline; leucine; lysine methionine; ornithine; phenylalanine; proline; sarcosine; serine; xanthine; tryptophan; tyrosine; valine; asparagine; creatine; glutathione; hippuric acid; isoleucine; methylalanine norleucine; norvaline; threonine; folic acid; choline; cytosine hemihydrate; aminophenylacetic acid; and phenylglycine.
- 51205 Butyl benzyl phthalate.
- 51205 Dimethyl terephthalate; triethylphenyl phosphate; dibutyl phosphate; tributyl phosphate; xylene phosphite; dibutyl tetrachlorophthalate; diisodecyl phthalate; diallyl phthalate; p-nitrophenyl phosphate; and diethyl phosphate.
- 51206 Certain herbicides and fungicides: dichlorodiphenyl trichloroethane (DDT); polychlor insecticides; copper (cupric) acetoarsenite (paris green); sulphoxide; N-octyl sulphoxide of isosafrole; and fumigants (soil, grain and industrial).
- 51208 Alpha-trioxymethylene (trioxane).
- 51208 P-tertiary butyl catechloromorpholine; n-ethylmorpholine; and hydroquinone monobenzyl ether.
- 51209 Dichlorodifluoromethane; trichloromethane; trichlorofluoromethane; perchloroethylene; and carbon tetrachloride.
- 51209 Bromochloromethane glycerine; acrylonitrile; allyl chloride b-amino-propionitrile; 2-4 Lutidinic acid; cyanuric chloride; di-penicillamine acetone; ethylene oxide; isobutyl alcohol; itaconic acid; dibutyl itaconate; dimethyl itaconate; methanol; methyl isobutyl ketone; methyl propyl ketone; methylene chloride; n-methyl-2-pyrrolidone; n-propyl alcohol; n-butyl alco-

- hol; oxyalkylated alkylene glycol (demulsified); aqueous solutions of polyethyleneimine (Tydex 12, 14 and NC 1625); polyoxypropylene triol; polypropylene diols; and polyether triols of alkylene oxides; thioglycerol; triethylenediamine; ultra-violet light absorbers; d-pipecolic acid; 1-pipecolic acid; dl-pipecolic acid; d-pipecolic anhydride; 1-pipecolic anhydride; dl-pipecolic anhydride; formic acid; dehydroacetic acid; ethylene; glyoxal; methylethylketone; mesityl oxide; isobutyraldehyde; ethylene glycol tetrachlorophthalate; diallyl maleate; amyl acetate; trisdichloropropyl phosphate; potassium amyl xanthate; ethylene maleic anhydride; propionic anhydride; o-sec-butylphenol; butynediol; pentanol; tridecyl alcohol ethylenediamine; n-butylamine; dibutylamine; ethylamine isopropylamine; propylamine; triethylenetetramine; 2,3-butanedione monoxime; 1,4-butanediamine dihydrochloride; monobutylamine; triethylenediamine; dimethylformamide; dimethylacetamide; lead stearate; propylene oxide; sodium propionate; calcium propionate; diisobutylcarbinol; diethylene glycol monomethyl ether; ditertiarybutyl disulfide; epsilon-caprolactone; dimethyl dioctadecyl ammonium bentonite; di cumyl peroxide; selenium diethylthiocarbonate; glutamic acid; glycine; creatine; butyric acid; caproic acid; caprylic acid; capric acid; arachidic acid; lignoceric acid; cerotic acid; montanic acid; melissic acid; propionic acid; valeric acid; heptylic acid; undecylic acid; tridecylic acid; pentadecylic acid; margaric acid; nonadecylic acid; 5-tetradecenoic acid; myristoleic acid; palmitoleic acid; palmitelaic acid; claidic acid; methyl chloride; ethyl bromide; vinyl bromide; vinyl chloride; dichloroethylene; allyl bromide; methylal chloride; bromoform; methylene iodine; iodoform; ethylene dichloride; hexachloroethane; ethylene dibromide; dichloropropane; methyl iodide; allyl iodide; n-propyl chloride; n-propyl bromide; n-propyl iodide; methylene bromide; propylene dichloride; isopropyl chloride; isopropyl bromide; isopropyl iodide; n-butyl chloride; n-butyl bromide; isobutyl chloride; isobutyl bromide; sec-butyl chloride; sec-butyl bromide; tert-butyl chloride; tert-butyl bromide; triacetin; (glyceryl triacetate); n-Amyl bromide; isoamyl chloride; isoamyl bromide; tert-amyl chloride; tert-amyl bromide; myristyl bromide; and diethylene dichloride.
- 51323 Sulfur, sublimed, precipitated, colloidal, or insoluble.
- 51338 Silica aerogel; colloidal silica; pyrogenic silica; and silicic acid.
- 51355 Titanium dioxide.
- 51367 Certain chromium oxides, anhydrides, and hydroxides.
- 51460 Potassium sorbate; and sodium tripolyphosphate.
- 51470 Hydrogen peroxide, concentrations of less than 66 percent.
- 51470 Calcium hypochlorite; mercuric sulfate; ammonium hexafluoroaluminate; cobalt thiocyanate; tricalcium phosphate; sodium carbonate; and vanadyl sulfate.
- 51470 Inorganic chemicals as follows: herbicides and defoliants.
- 52140 Pyridine (crude).
- 53101 Sulfur black.
- 54140 Vegetable alkaloids, their salts and other derivatives, bulk, the following only: euphetonin; ergometrine; ergonovine; cumyldrene; n-hexyl nicotinate; theamin; theophylline; tubocurarine chloride; and narcotics.
- 54161 Other glycosides and their derivatives, bulk.
- 58110 Acetal resins.
- 58110 Pentaerythritol esters of rosin.
- 58110 Nylon polyamide resins, molding and extrusion types, the following only: Nylon 6, Nylon 6/6, and Nylon 6/10.
- 58120 Certain polymerized and copolymerized products, unfinished or semi-finished, as follows: (a) polyethylene, (b) polypropylene, (c) ethylene-propylene, (d) ethylene-vinyl acetate, (e) methyl methacrylate, (f) esters of acrylic, methacrylic acids; and (g) acrylic polymers. (Specify by name.)
- 58120 Polyvinyl chloride tubing; water soluble carboxy vinyl polymers; high styrene resin masterbatches; polystyrene; polyvinyl alcohol; vinylidene chloride acrylonitrile copolymers; and water-soluble ethylene oxide polymers.
- 59920 Certain insecticides, fungicides disinfectants, and similar products.
- 59958 Acrylic based glues, adhesive, or cement.
- 59999 N, N-bis-(2-hydroxyethyl) glycine sodium salt; and sodium biphenyl in dimethoxyethane.
- 59999 Diphenyl and diphenyl oxide heat transfer mixtures.
- 62910 Certain pneumatic tires and inner tubes.
- 64130 Kraft condenser tissue or capacitor paper, and other dielectric paper.
- 64150 Condenser tissue or capacitor paper, and other dielectric paper, n.e.c.
- 64298 Processed paper for dielectric use.

- 65180 Fiber glass mop yarn.
- 65310 Parachute cloth wholly or in chief weight silk.
- 65351 Woven tire fabrics, except tire cord fabric, and fuel-cell fabrics, wholly or in chief weight noncellulosic man-made fibers.
- 65361 Woven tire fabrics, except tire cord fabric, and fuel-cell fabrics, wholly or in chief weight rayon and/or acetate.
- 65584 Textile fabrics and articles coated, covered or laminated with rubber, for use in machinery or plant.
- 66120 White non-staining hydraulic cement.
- 66231 Heat insulating bricks, blocks, tiles, and other heat insulating goods of infusorial earths, kieselguhr, siliceous earths.
- 66232 Certain refractory brick and similar shapes, and other refractory construction materials, n.e.c.
- 66233 Certain refractory cement or mortar.
- 66311 Certain grinding and polishing wheels and stones, n.e.c.
- 66320 Abrasive paper and cloth, coated with manufactured abrasives for use on power-operated machines, *except dental abrasives*.
- 66382 Asbestos clutch facings, including linings; and asbestos brake linings.
- 66492 Electron tube blanks.
- 67132 Certain iron or steel powders.
- 67234 Certain carbon steel or iron blooms, billets, slabs, sheet bars, and roughly forged pieces.
- 67290 Certain blanks for tubes and pipes of iron or steel.
- 67313 Certain alloy steel wire rods.
- 67314 Wire rods, carbon steel.
- 67323 Certain alloy steel bars and rods and hollow drill steel.
- 67503 Alloy steel skelp.
- 67504 Other carbon steel skelp.
- 67704 Carbon steel wire, bare or coated, including galvanized.
- 680 U.S. coins, other than gold.
- 68401 Certain aluminum bars, rods, angles, shapes, and sections.
- 68425 Certain aluminum tubes, pipes, and tube blooms, n.e.c.
- 68523 Lead or lead alloy powder.
- 68525 Lead or lead alloy bricks and burning bars.
- 68941 Tungsten or tungsten alloy pressed-sintered forms weighing less than 15 pounds; and tungsten or tungsten alloy pressed-sintered sheets less than 12 inches in width.
- 69212 Other containers for storage and manufacturing use, and septic tanks, copper.
- 69320 Certain wire, iron or steel, of types used for fencing.
- 69332 Copper wire cloth.
- 69333 Certain woven wire products, aluminum or aluminum alloy.
- 694 Boat spikes and wire nails, staples and spikes, copper.
- 69523 Hand tools and parts, n.e.c., as follows: other tools incorporating industrial diamonds: die-stocks: pipe threading tools: tapping tools: tap guides, magnetic; filing blocks, non-ferrous metal and shoe lasts.
- 69524 Certain rock drill bits, core bits, and reamers, n.e.c.; and parts, n.e.c.
- 69812 Hardware and parts, copper or copper base alloy.
- 69853 Belt fasteners (other than buckles), clasps, grommets, and similar articles of copper or copper alloy.
- 69862 Certain springs and leaves for springs, copper or copper alloy.
- 69881 Chains and parts, copper or copper alloy.
- 69887 Tungsten or tungsten alloy welding rods and wires.
- 69891 Articles of iron or steel, as follows: crucibles; gear blanks; Dempster Dumpster ® container (for use with Dempster Dumpster ® hoisting units); and fabricated wire products.
- 69892 Certain articles of copper or copper alloy, n.e.c.
- 71120 Air preheaters for steam generating power boilers; and parts, n.e.c.
- 71181 Hydraulic motors, 2,400 p.s.i. and under; and parts, n.e.c.
- 71181 Certain water turbines and water engines, n.e.c.; and parts, n.e.c.
- 71410 Videotypers ®.
- 71420 Accounting and bookkeeping machines, new; and calculators, new and used.
- 71430 Statistical machines used in conjunction with punched cards or tape, including auxiliary machines, *the following only*: billing machines, calculating

- machines, Flexowriters ® for other than computer use, Computypers ®, and listing-adding machines.
- 71430 Certain statistical machines, n.e.c., used in conjunction with punched cards or tape, including auxiliary machines.
- 71492 Parts and accessories, n.e.c., for billing machines, calculating machines, Computypers ®, Flexowriters ®, and listing-adding machines under No. 71430 which are not specially designed for use with computers.
- 71492 Parts and accessories, n.e.c., for the following machines: accounting and bookkeeping machines; calculators, except punched card types and except pocket types; Fotolist ® machines; Videotypers ®; statistical machines for use in conjunction with punched cards or tape, *except electronic computer auxiliary machines.*
- 71852 Certain glassworking machinery, n.e.c.; and machines for assembling electric filament and discharge lamps; and parts, n.e.c.
- 71912 Certain self-contained air-conditioning machines.
- 71921 Hydraulic pumps 2400 psi and under; and parts and attachments, n.e.c.
- 71922 Compressors, refrigeration and air-conditioning type; and parts, n.e.c.
- 71923 Water purifiers, water softeners, water filters, and other filtering, purifying, and separating machines for water treatment and sewage disposal; and parts, n.e.c.
- 71931 Conveying equipment other than automated, the following only: gravity, overhead trolley pneumatic tube, portable, underground mine, loaders, and vibrators; and parts and attachments, n.e.s.
- 71966 Signalling and controlling equipment, n.e.c., mechanical not electrically powered, for road, rail, water, or airfield traffic; and parts, n.e.c.
- 71999 Oil seal rings.
- 72210 Certain motors, generators, generating sets, rotating converters, transformers, limiting reactors, regulators, nonrotating rectifiers and power supplies; and parts and accessories, n.e.c.
- 72220 Certain electrical apparatus, n.e.c., for making, breaking, or protecting electrical circuits, and other current carrying wiring devices; and parts, n.e.c.
- 72491 Certain telephone and telegraph apparatus and equipment, n.e.c.; and parts and accessories, n.e.c.
- 72492 Certain telephone repeater equipment; and components, parts, and accessories, n.e.c.
- 72499 Radio and television broadcast audio equipment; and television broadcast studio equipment; and parts and accessories, n.e.c.
- 72501 Condensers for domestic refrigerators and food freezers.
- 72505 Electric steam cabinets for turkish baths; deodorizers; face and hand dryers; and RA Grid heater plates; and parts, n.e.c.
- 72620 Certain industrial and scientific X-ray equipment; and parts, n.e.c.
- 72912 Certain storage batteries, n.e.c.; and parts, n.e.c.
- 72930 Certain cathode ray tubes, n.e.c.; and parts and accessories, n.e.c.
- 72930 Rectifier bulbs for automotive battery chargers, proportional counter tubes, and electron tube type described or listed in § 399.2, Interpretation 13, and parts and accessories, n.e.c.
- 72930 Selenium, copper oxide, and magnesium copper sulfide diodes, rectifiers, stacks, or cells, n.e.c.; and parts and accessories, n.e.c.
- 72952 Certain cathode ray oscilloscopes, n.e.c., and other electronic devices for stroboscopic analysis of a signal.
- 72993 Railway traffic control equipment, other than computerized types; and parts, n.e.c.
- 72993 Certain electric traffic control equipment, other than computerized types; and parts, n.e.c.
- 72994 Certain electric lighting signal apparatus, n.e.c.; and other electric and electronic alarm and signal systems, including sound signal equipment, n.e.c.; and parts, n.e.c.
- 72995 Certain capacitors for electronic applications; and parts, n.e.c.
- 72995 Certain capacitors (condensers), n.e.c.; and parts, n.e.c.
- 72999 Electric windshield wipers; and parts, n.e.c.
- 72999 Certain electrical apparatus, n.e.c., and parts, n.e.c.
- 73289 Certain parts and accessories, n.e.c., for other vehicles, n.e.c.
- 73491 Certain pilot balloons; and meteorological balloons.
- 81241 Railroad reflector signals.
- 81242 Headlamps and other lighting fixtures designed for locomotives and railway cars.

- 82108 Furniture specially designed for aircraft; and parts, n.e.c., except furniture and parts therefor specially designed for military aircraft.
- 86111 Certain optical elements, unmounted, n.e.c.
- 86112 Certain photographic and projection lenses.
- 86112 Certain optical elements, mounted.
- 86133 Certain electron and proton microscopes and diffraction apparatus; and parts and accessories, n.e.c.
- 86139 Certain searchlights and spotlights; and parts and accessories, n.e.c.
- 86139 Certain optical appliances, n.e.c.; and parts and accessories, n.e.c.
- 86172 Mine safety appliances; and psychological, educational, or physical aptitude testing apparatus; and parts, n.e.c.
- 86181 Gas of liquid supply meters.
- 86182 Stroboscopes.
- 86196 Certain hydrometers and similar instruments; and other thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination of these.
- 86198 Certain laboratory instruments for physical or chemical analysis: instruments for checking viscosity, porosity, expansion, surface tension, etc.; instruments for measuring or checking quantities of heat, light, or sound; and parts, n.e.c.
- 86199 Certain amplifiers, n.e.c.; and parts, n.e.c.
- 86230 Prepared photographic chemicals, *the following only*: developers, fixers, intensifiers, reducers, toners, clearing agents, and flashlight materials.
- 86244 Sensitized motion picture film, exposed, not developed, 35 mm. or over.
- 86246 Certain motion picture film, sensitized, unexposed 35 mm. and over.
- 86424 Time switches with clock or watch movements or with synchronous motors.
- 86425 Clock movements, assembled.
- 89430 Wooden gun stock blanks, harpoon launchers, and whaling guns and parts, n.e.c.
- 95103 Wooden gun stock blanks.
- 022 Milk and cream.
- 28392 Tungsten ores and concentrates.
- 29226 Burgandy pitch.
- 33210 Triisobutylene.
- 51204 2,6-ditertiary-butyl-p-cresol; 2,2'-methylene-bis(4-methyl-6-tertiary butyl phenol); diphenylguanidine; n-cyclohexyl-2-benzothiazole sulfonamide; polytri-methyl dihydroquinoline; 4,5'-dimethoxyphenylamine; n,n'-diphenyl-p-phenylenediamine; n,n'-di-2-octyl-p-phenylenediamine; n,n 1-methyl heptyl)-p-di-phenyl-p-phenylphenylene-diamine; 4-isopropylamine-diphenylamine; n-isopropyl-n'-phenyl-p-phenylenediamine; nickel dibutyl-dithiocarbamate; thiocarbonylhydrazide; diethylhydroxylamine; tetramethylthiuran disulfide; and benzo-thiazyl disulfide.
- 51365 Certain alumina.
- 51366 Certain artificial corundum (fused aluminum oxide), except Alomite scrap.
- 51450 Aluminum compounds, *the following only*: alum, crystallized; aluminum nitrate; aluminum silicate; ammonia alum; potash alum; potassium alum; potassium aluminum sulfate; soda alum; and sodium aluminate.
- 51460 Sodium aluminum sulfate.
- 51470 Insecticides, fumigants, rodenticides, and fumicides.
- 51440 Certain vegetable alkaloids, their salts, and other derivatives, bulk.
- 54170 Medicinal chemicals, bulk, *the following only*: acetanilid and hyocyanus compound; aluminidyl granules; Amigen(®); Apolamine tablet granulation and deleos.
- 54170 Alkaloids of cinchona bark, their salts, derivatives, and preparations dosage or packed for retail sale except parenteral solutions or ampoules.
- 59920 Nicotine sulfate, 40 percent basis; copper sulfate; lead arsenate; calcium arsenate; paradichlorobenzene; benzene hexachloride, technical and formulations; fumigants, insecticides, pesticides, disinfectants, deodorants, and germicides.
- 59993 Ferrocenium and other pyrophoric alloys.
- 62910 Farm tractor and implement tires, and truck and industrial solid and cushion tires.
- 65130 Cotton tire cord and tire cord fabric.
- 65176 Tirecord and yarns of rayon or acetate filament; and tire cord and tire cord fabric of cellulosic man-made fiber.
- 65180 Certain glass fiber yarn, roving, and strand.

- 65401 Nylon webbing.
- 65584 Certain textile fabrics and articles used in machinery or plant (excluding belting, tubing, and hose), wicks, tubular knitted gas-mantle fabrics, and incandescent gas mantles, wholly or in chief weight of other textile fibers.
- 65590 Certain transmission, conveyor, or elevator belts and belting, and textile tubing and hose, wholly or in chief weight of other textile fibers.
- 66183 Asbestos-cement of fiber cement articles.
- 66382 Friction materials of cellulose or of minerals other than asbestos.
- 66413 Certain glass, unworked, in balls, rods, or tubes.
- 66492 Certain glass envelopes (including face plates, funnels, and tubes of glass), n.e.c.
- 67131 Shot, angular grit and wire pellets, of iron or steel.
- 67132 Carbonyl iron powder.
- 67133 Sponge iron or steel.
- 67810 Cast iron soil pipe.
- 67850 Cast iron tube and pipe fittings.
- 67920 Alloy steel castings in the rough state.
- 67930 Alloy steel forgings in the rough state.
- 680 Foreign coins, other than gold.
- 68401 Certain aluminium alloy ingots and unwrought forms, and bare wire.
- 68422 Certain aluminum or aluminum alloy plates and sheets.
- 68425 Aluminum welded irrigation tubing cut to length.
- 687 Britannia metal.
- 68941 Certain tungsten or tungsten alloy waste and scrap; and tungsten powder.¹
- 69331 Fence gates, wire cloth, and other woven wire products, iron or steel.
- 69332 Copper alloy wire cloth and other copper or copper alloy woven wire products.
- 694 Bolts, nuts, and similar articles, copper.
- 69609 Table flatware, cutlery and metal parts therefor, plated with precious metals, *except silver*.
- 69891 Certain articles of iron or steel, n.e.c.
- 69892 Articles of copper or copper alloy, *the following only*: anchors for marine use; bead chains; brackets, for mounting outboard motors; bulletin boards; caskets; clothes-line (dryer) reels; fog horns, nonelectric, for ships; gutter troughs; hinge chaplets; hose swivels, *except copper alloy*; lids for boxes; mooring swivels; oarlocks; pipe saddles, *except copper alloy*; tool boxes and tool chests, empty; and utility boxes.
- 71220 Certain agricultural machines and appliances for harvesting, cutting, threshing, and sorting; and other parts and attachments, n.e.c.
- 71250 Certain wheel tractors (including garden tractors and motor tillers) under 125 power takeoff horsepower.
- 71299 Certain agricultural machinery, n.e.c.; and other parts and attachments, n.e.c.
- 71410 Multiple typewriters; and automatic typing devices with punched tape mechanisms (for example, Justowriters®).
- 71420 Listing-adding machines, new; and accounting and bookkeeping machines, used.
- 71492 Parts and accessories, n.e.c., for multitype typewriters, and automatic typing devices with punched tape mechanisms (for example, Justowriters®); and listing-adding machines.
- 71711 Certain machines for extruding man-made fibers, for preparing and processing natural or man-made fibers into yarns, and for winding.
- 71713 Certain parts, accessories, attachments, and auxiliary machines, n.e.c., for other machines for extruding man-made fibers, preparing and processing natural or man-made fibers into yarns, and producing fabric or trimmings and embroidery work.
- 71822 Fonts; Linotype® matrices; multitype typewriters, justifying and multiple font, for use in photolithography or offset printing (for example, Variotypers®), and parts and accessories; electrotyping, stereotyping, and photo-engraving machines, and parts and accessories, including printing blocks, cylinders, plates, and sheets.
- 71841 Road rollers, self-propelled; and parts, n.e.c.
- 71919 Electron ovens; and parts, n.e.c.
- 71919 Cane and maple sirup evaporators; crop dryers; forage dehydrators; and tobacco curers; and parts, n.e.c.
- 71919 Pulp and paper mill machines and rubber processing machines for processing by means of a change in temperature; and parts, n.e.c.

- 71922 Mechanical vacuum pumps; and parts and attachments, n.e.c.
- 71931 Logging skidways and logging arches, *except self-propelled of 135 horsepower or over*; and parts, accessories, and attachments, n.e.c.
- 71961 Paper-industries and rubber-working machines; and parts, n.e.c.
- 71963 Weighing machines and scales, and parts and accessories, n.e.c.
- 71980 Certain machines and mechanical appliances, *the following only*: abrasive circulators; abrasive coating machines; cordage-making machines; rubber-extruding machines; tire-building machines; tire recapping and repairing machines; rubber processing and rubber products manufacturing machines, n.e.c.; vegetable oil mill machines (other than margarine processing machines); waxing machines, industrial; welding rod brushing machines; and welding rod feeders; and parts therefor, n.e.c.
- 71980 Watercraft controls, nonelectric (for example, steering equipment, excluding rudders, and remote engine controls); and parts, n.e.c.
- 71991 Tire molds.
- 71999 Paddle wheels for watercraft; and parts, n.e.c.
- 72210 Fluorescent ballasts.
- 72505 Electron ovens; and parts, n.e.c.
- 72911 Hearing aid batteries; and parts, n.e.c.
- 73289 Certain parts and accessories, n.e.c., for wheel tractors (including garden tractors and motor tillers) under 125 power takeoff horsepower, *except contractors' off-highway tractors*.¹
- 86140 Microfilming cameras; and parts and accessories, n.e.c.
- 86160 Microfilming equipment: office and document-copying machines, including but not limited to equipment employing the silver process, transfer process, thermographic process, and the electrophotographic or electrostatic process; and parts therefor, n.e.c.
- 86198 Photographic exposure (light) meters; and parts, n.e.c.
- 89213 Maps, hydrographic charts, atlases, gazetteers, globe covers, and globes (terrestrial or celestial).
- 89712 Certain silversmiths' wares of silver, gold manufactures, and platinum-group metal manufactures, n.e.c.
- 89713 Laboratory and industrial articles of precious metals.
- 89929 Prepared knots and tufts for broom or brush making.
- 89997 Certain vacuum jugs and chests; and parts, n.e.c.

AUGUST 1-OCTOBER 13, 1970

- 51202 Trimellitic acid and anhydrides.
- 51204 Antiozonants derived from paraphenylenediamine.
- 51209 Bromomonochlorodifluoromethane; bromotrifluoromethane chloropentafluoroethane; chlorotrifluoromethane; dibromodifluoromethane; dibromomonochlorotrifluoroethane; difluoroethane; octafluorocyclobutane; tetrachlorodifluoroethane; and tetrafluoromethane.
- 51354 Cobalt oxides and hydroxides.
- 51470 Titanium trichloride.
- 51470 Titanium carbide; and titanium tetrachloride.
- 66730 Certain quartz crystals, natural, unworked or worked, not mounted, for use as oscillators and designed for operation over a temperature range wider than 70° C.
- 66730 Certain radio grade quartz crystals natural, unworked or worked, not mounted.
- 66740 Certain quartz crystals, synthetic, unworked or worked, not mounted, for use as oscillators and designed for operation over a temperature range wider than 70° C.
- 66740 Certain radio grade quartz crystals, synthetic, unworked, or worked, not mounted.
- 71953 Portable drilling machines, pneumatic or hydraulic, capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow; and parts and attachments n.e.c.
- 72220 Electronic resistors and potentiometers designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating: (a) over the whole range of ambient temperatures from below minus 45° C. to above plus 100° C., or (b) at ambient temperatures of 200° C. or higher; and parts, n.e.c.

- 72930 Certain solar cells, diodes, transistors, and photosensitive or solid state semiconductor devices, n.e.c.; and parts and accessories, n.e.c.
- 72930 Certain piezoelectric crystals, including filters, mounted; and parts, n.e.c.
- 72992 Automatic pipe welding machines capable of welding the joints of steel pipe of a size greater than 19 inches o.d.; and parts and accessories, n.e.c.
- 89998 Parachutes in normal sporting use, and complete canopies, harnesses, and platforms therefor.
- 51327 Carbon black, all forms.
- 66312 Hand polishing stones, whetstones, oilstones, hones, and similar stones of artificial abrasive material.
- 66730 Certain quartz crystals, natural, unworked or worked, not mounted.
- 66740 Certain quartz crystals, synthetic, unworked or worked, not mounted.
- 71715 Cord treating laboratory units (for example, Computreators); and parts, n.e.c.
- 71913 Certain burners for carbon black furnaces; and parts and attachments, n.e.c.
- 71914 Certain carbon black furnaces; and parts and attachments, n.e.c.
- 72220 Certain electronic resistors and potentiometers; and parts, n.e.c.
- 89998 Certain parachute parts and accessories, n.e.c.
- 51470 Silicon carbide less than 99 percent purity.

NOVEMBER 1-DECEMBER 31, 1970

- 69523 Diamond dressers; and parts, n.e.c.
- 71110 Certain water tube boilers, marine type, designed to operate at temperatures above 850° F.; and parts, n.e.c.
- 71120 Boiler superheaters, feedwater heaters, and economizers, for other marine steam boilers designed to operate at temperatures above 850° F.; and parts and accessories, n.e.c.
- 71991 Certain molding boxes and molds for metal foundry, excluding ingot molds.
- 72998 Certain resistor-capacitor assemblies and subassemblies, n.e.c.
- 51202 Cyclic chemical intermediates, as follows: Menadione (2-methyl-1,4-naphthoquinone); dl-5-methyl-tryptophan 2,5-hydrate; meta-nitrochlorobenzene; ortho-nitrochlorobenzene; para-nitrochlorobenzene; and tetrahydrothiophene 1,1-dioxide (sulfolane).
- 51203 Synthetic organic medicinal chemicals, as follows: Adenosine-3,5-cyclic phosphate; adenosine-2,3-cyclophosphate; adenosine-3,5-cyclophosphate; adenosine-5-diphosphate; adenosine-5-triphosphate; adenosine-5-triphosphate disodium; agarose; allylamine; aminobutyric acid; aminoisobutyric acid; ammonium sulfate; arabinose; arginine hydrochloride; asparagine hydrate 5-azacytidine; 4-azetidine-2-carboxylic acid; azetylcholine chloride; 5-bromodeoxyuridine; canavanine sulfate; carbonyl cyanide, m-chlorophenylhydrazone; carbosine; dl-p-chlorophenylalanine; cyclocyamine; cystathionine; cysteic acid; cystine; cytidine-5'-monophosphate; cytidine-3,2-phosphoric; cytidine-5-triphosphate; deoxycytidine; deoxyguanosine monohydrate; desoxyadenosine monohydrate; 1,2,4-diaminobutyric acid hydrochloride; dl-3,4-dihydroxyphenylalanine; dithiothreitol (Cleland's reagent); Djenkolic acid; ethylenediamine tetraacetate; 5-fluorouracil; fructose-1,6-diphosphate Na salt; d-fucose; 1-fucose; glutamine; glycylglycine; gammaguanidinobutyric acid; guanidino propionic acid; guanine; guanosine-2,3-cyclic; guanosine-3,5-cyclic phosphate; guanosine dihydrate; guanosine-5-diphosphate; guanosine-5-triphosphate; guanosine-5-triphosphate trillithium tetrahydrate; guanylyl-3,5-adenosine; guanylyl-3,5-cytidine; guanylyl-3'-5'-guanosine; guanylyl-3'-5'-uridine; histidine hydrochloride; homocystine; hydroxylysine hydrochloride; 3-hydroxytyramine hydrochloride; inosine-5'-monophosphate; alphaiodoacetamide; kinetic-6-furfurylaninopurine; lanthionine; lysine hydrochloride; d-lyxose; d-mannose; mercaptoethanol; methylhistidine; ophospho-dl-serine; pipercolic acid hydrochloride; polyadenylic acid; polycytidylic acid; polyuridylic acid potassium; purine; serotonin creatin sulfate complex; 2-thiouracil; thymidine-5-monophosphate; thymidine-5-triphosphate; tris(hydroxymethyl) amino; tris(hydroxymethyl) aminomethane; uridine; uridine-5-diphosphate; uridine; uridine-5-diphosphogalactose; uridine-5-diphosphomannose; and uridine 5-triphosphate.
- 51205 Divinylbenzene.
- 51208 Bilirubin; and 1,4-dioxane.

- 51209 Miscellaneous industrial and organic chemicals, including intermediates, as follows: n-butyl acrylate; tertbutyl acrylate; diethylene glycol n-butyl ether; diethylene glycol ethyl ether; diethylene glycol monobutyl ether; diethylene glycol mono-butyl ether acetate; 2,4-dimethyl tetrahydrothiophene 1,1-dioxide; dipropylene glycol menthyl ether; ethyl acrylate; ethylene chlorohydrin; ethylene glycol ethyl ether; ethylene glycol methyl ether; ethylene glycol n-butyl ether; ethylene glycol phenyl ether; hydroxy-ethyl cellulose; hydroxystearic acid; dl-isocitrate trisodium; isopropyl ethyl thionocarbamate; lead malcate, tribasic; methyl amyl alcohol; n,n-methylene-bisacrylamide; mixture of isobutyl ethers of propylene glycol and its homologs; monoethylamine; Phenylmethanolamine; phosphatidyl ethanolamine; potassium ethyl xanthate; potassium hexyl xanthate; propylene glycol methyl ether; pyruvic acid; sodium sec-butyl xanthate sodium isobutyl xanthate; sodium isopropyl xanthate; tetraethylene pentamine; 1,1,1-trichloroethane; trichloroethylene, *except specially purified and/or neutrally stabilized for precision type metal cleaning or degreasing*; trichloropropane; bis(trimethylsilyl) trifluoroacetamide; tripropylene glycol methyl ether; tris(2,3-dibromopropyl) phosphate; and n-tris(hydroxymethyl) aminomethane.
- 51338 Chlorine dioxide; and hydrogen chloride.
- 51460 Potassium permanganate; potassium stearate; and sodium cyanide.
- 58120 Poly divinyl benzene.
- 59999 Silanized diatomaceous earth.
- 67233 Certain ingots, alloy steel.
- 67253 Certain blooms, billets, slabs, sheet bars and roughly forged pieces, alloy steel.
- 67343 Certain angles, shapes and sections having a maximum cross sectional dimension of 3 inches or more, alloy steel.
- 67353 Certain angles, shapes, and sections having a maximum cross sectional dimension of less than 3 inches, alloy steel.
- 67444 Skelp, carbon steel or wrought iron, uncoated.
- 67703 Certain alloy steel wire, coated or uncoated.
- 67820 Certain seamless steel pipe and tubing.
- 67830 Certain welded, clinched, or riveted steel pipe and tubing.
- 67840 High pressure hydro-electric conduits, all steel grades.
- 71110 Certain steam generating boilers; and parts, n.e.c.
- 71120 Certain steam generating boiler accessories, n.e.c.; and parts, n.e.c.
- 71923 Filters and filter cartridges or elements for filtering air or liquids on aircraft, motor vehicle, watercraft, and industrial engines; and parts, n.e.c.
- 71991 Certain molds.
- 73101 Locomotives.
- 73170 Certain parts, n.e.c., for locomotives.
- 22105 Certain oil seeds, oil nuts, and oil kernels.
- 22150 Flaxseed (linseed).
- 22160 Cottonseed.
- 29250 Certain forage sorghum seed.
- 42260 Certain castor oil and palm oil.
- 42290 Certain fixed vegetable oils, n.e.c.
- 51204 Certain rubber compounding chemicals, as follows: n-tert-butyl-2-benzothiazole sulfonamide; 4,4-dithiodimorpholine; and 2-mercaptobenzothiazole.
- 51206 Certain pesticides and synthetic organic agricultural chemicals, except formulations or preparations or pesticidal chemicals put up for retail sale.
- 67610 Standard tee rails, new.
- 72911 Certain primary batteries and cells; and parts, n.e.c.
- 72952 Flame detectors for industrial and domestic furnaces.
- 89120 Magnetic recording media designed for voice and music only.

JANUARY 1-MARCH 31, 1971

- 6895 Certain titanium alloys, wrought or unwrought, including intermediate mill shapes, and waste and scrap.
- 6989 Certain titanium alloy castings and forgings.
- 712 Logging skidders, 135 horsepower and over.
- 718 Power cranes, draglines, shovels, and backhoes, excavator-type, crawler- or walker-mounted, full revolving, over 6 cubic yard dipper capacity or over 100 tons crane lifting capacity.
- 718 Parts, accessories, and attachments, n.e.c., for nonmilitary, full-revolving excavator-type power cranes, draglines, shovels, and backhoes, as follows:

- (a) walker- or crawler-mounted, over 6 cubic yard dipper capacity or over 100 tone crane lifting capacity, and (b) wheel- or truck-mounted over 1 cubic yard capacity or over 30 tons crane lifting capacity.
- 7193 Equipment, 135 horsepower and over, as follows: (a) logging vehicles, self-propelled, and (b) pipe layers, integrated track-laying type; and parts, accessories, and attachments, n.e.c.
- 7199 Valves, as follows: (a) specially designed for temporary stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d., and (b) other steel valves with inlet or outlet diameter 17 inches or greater and designed for a working pressure of over 300 p.s.i.; and parts, n.e.c.
- 724 Certain electronic telecommunications equipment, navigation aids, and search and detection apparatus, including radar, n.e.c.; and parts and accessories, n.e.c.
- 72930 Electron tubes, as follows: (a) constructed with beryllium oxide ceramics, and (b) rate for operation in ambient temperatures above 100° C. up to 200° C.; and parts and accessories, n.e.c.
- 72930 Certain electron tubes, n.e.c.; and parts and accessories, n.e.c.
- 7299 Certain signal generators, as follows: (a) operating at frequencies of 300 MHz and over, or (b) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezoelectric crystals or an internal or external frequency standard and not forming multiples of a common control frequency; and parts, n.e.c.
- 732 Certain passenger cars having front and rear axle drive.
- 732 Certain wheel- or truck-mounted excavator-type power cranes and shovels, full revolving, over 1 cubic yard dipper capacity or over 30 tons crane lifting capacity; and truck carriers, nonmilitary, specially designed for mounting this excavator-type equipment.
- 732 Certain parts and accessories, n.e.c., designed for nonmilitary vehicles with front and rear axle drive.
- 732 Parts and accessories, n.e.c., for logging skidders, 135 horsepower and over.
- 734 Fixed pitch and ground-adjustable propellers for nonmilitary aircraft; and rotors and rotor blades for nonpowered rotorcraft, n.e.c.; and parts, n.e.c.
- 8619 Transits, phototheodolites, and tachymeters (tacheometers), having a telescope magnification of 20X or higher and reading direct to 1 sexagesimal minute or better; and parts and accessories, n.e.c.
- 9 Sidearms, n.e.c., and parts, n.e.c.
- 23 Styrene-butadiene rubber (SBR) and butyl rubber.
- 512 Ethylene glycol, diethylene glycol, triethylene glycol, polyethylene glycols, monoethanolamine, diethanolamine, and triethanolamine.
- 62 Masterbatches, styrene-butadiene (SBR) and butyl rubber types; and unvulcanized rubber plates, sheets, or strips, including those only surfaceworked and/or cut into rectangular shapes, of styrene-butadiene (SBR) and butyl rubber.
- 62 Unvulcanized styrene-butadiene (SBR) and butyl rubber.
- 664 Certain laminated or toughened (tempered) safety glass for aircraft.
- 693 Certain wire cable, rope, plaited bands, slings, and similar articles, iron or steel.
- 711 Certain engines, n.e.c.; and parts, n.e.c.
- 712 Nonmilitary type tracklaying tractors, under 135 horsepower and nonmilitary type contractors' off highway wheel tractors, under 135 horsepower.
- 718 Certain scrapers, dig-carry-haul type, 11 cu. yd. and under capacity; and parts, accessories, and attachments, n.e.c.
- 718 Parts, accessories, and attachments, n.e.c., for certain wheel- or truck-mounted cranes, draglines, and shovels.
- 7193 Certain integral tractor-shovel loaders; logging vehicles, self-propelled; pipe layers, integrated tracklaying type; and parts, accessories, and attachments, n.e.c.
- 7193 Certain industrial trucks, tractors, and portable elevators of a kind used for moving goods in plants, railway stations, building sites, docks, warehouses, mines, and similar installations; and parts, n.e.c.
- 722 Electrical control equipment for motors and generators for railway equipment; and parts, n.e.c.
- 724 Certain electronic telecommunications equipment, navigation aids, and search and detection apparatus, including radar, n.e.c., designed for operation at ambient temperature range of below minus 130° C. to minus 170° C.; and parts, accessories, subassemblies, or components, n.e.c.
- 7299 Certain signal generators, n.e.c.

- 731 Commodities not listed above, classified under schedule B Nos. 731.0110 through 731.7050.
- 732 Certain parts and accessories, n.e.c., for nonmilitary type off-highway wheel tractors and other tracklaying tractors.
- 732 Certain power cranes, draglines, and shovels, n.e.c., mounted on truck carriers or similar motor vehicle chassis.
- 732 Certain parts, n.e.c., for other trucks for mounting cranes, draglines, and shovels.
- S619 Certain compasses; and other surveying, hydrographic, navigational, meteorological, hydrological, and geophysical instruments; and parts, n.e.c.
- 894 Certain nonmilitary arms, n.e.c.; and parts, n.e.c.*
- 23 Reclaimed rubber and waste and scrap of styrene-butadiene rubber (SBR) and butyl rubber.
- 25 Cotton pulp.
- 26 Cotton liners.
- 28 Certain ash and residues, metalliferous, non-ferrous metals, *except aluminum, lead, niobium, tantalum, tin, or zinc*.
- 28 Silver, platinum, and platinum group ores, concentrates, waste, scrap, and sweepings.
- 62 Sponge rubber, chemically blown or foam, of styrene-butadiene (SBR) and butyl rubber; and sponge and foam rubber articles, n.e.c., of styrene-butadiene (SBR) and butyl rubber.
- 671 Ferrotitanium; ferrocarbon-titanium; and ferrotungsten.
- 681 Commodities not listed above, classified under Schedule B Nos. 681.1120 through 681.2240.
- 691 Steel scaffolding equipment; and fabricated steel plate, including stack and weldments.
- 693 Barbed wire, iron or steel; and other wire, cable, rope, plaited bands, slings, and similar articles, aluminum.
- 712 Certain wheel tractors, under 125 power takeoff horsepower, containing transmissions which can be shifted without clutching while tractor is moving.
- 712 Self-propelled agricultural machines containing transmissions which can be shifted without clutching while machine is moving; and transmissions and parts and components therefor.
- 718 Sugar-plant machines and equipment, n.e.c.; and parts, n.e.c.
- 7191 Sugar mill machines for processing by means of a change in temperature (for example, driers, evaporators, sugar extraction calorizers, and carbonation vats); and parts, n.e.c.
- 7199 Propellers for watercraft; and parts, n.e.c.
- 732 Transmissions for wheel tractors under 125 power takeoff horsepower, *except contractors' off-highway tractors*, which can be shifted without clutching while tractor is moving; and parts and attachments for such transmissions.
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- 581 Unmetallized and unirradiated polypropylene film.
- 7192 Certain centrifugal and axial flow compressors; and parts and attachments, n.e.c.
- 7192 Certain horizontal balanced opposed reciprocating compressors, and other gas engine driven integral angle reciprocating compressors; and parts and attachments, n.e.c.
- 7295 Certain instruments, n.e.c., operating at frequencies of 300 MHz or less.
- 7295 Personal nuclear radiation monitoring instruments enabling direct reading on a graduated scale, as follows: (a) dosimeter, where more than one-fourth of the total single exposure range falls between 15 and 500 rads or roentgens, or (b) dose rate meters, where more than one-fourth of the total range falls between 1 and 80 rads or roentgens per hour, *except dosimeters and dose rate meters specially designed for use with medical radiation equipment or used in food and plastics processing*.
- S619 Meters with inlet or outlet diameter 10 inches or larger, specially designed to measure flow in petroleum and/or natural gas pipe lines; and parts, n.e.c.
- 28 Mercury (quick-silver) ores and concentrates.
- 512 Resorcinol; and toluene.
- 513 Mercury (quick-silver).
- 52 Toluene, crude.
- 672 Certain alloy steel coils for rerolling.

*Validated license is required for shipment to South Africa.

- 673 Bars, rods, angles, shapes, and sections, alloy steel, as follows: (a) containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing a total of 35 percent or more of alloying elements.
- 674 Certain steel plates and sheets, coated or uncoated.
- 675 Skelp, alloy steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.
- 677 Wire, alloy steel, as follows: (a) glass to metal sealing alloy containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing a total of 35 percent or more of alloying elements.
- 678 Certain forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and designed for a working pressure of over 300 psi as determined by API (American Petroleum Institute) test.
- 679 Castings and forgings, alloy steel, as follows: (a) AISI type 309-S-Cb-Ta, *except grinding balls*, or (b) containing a total of 35 percent or more alloying elements, *except grinding balls*.
- 6988 Welding rods and wires, iron or steel, as follows: (a) containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing a total of 35 percent or more of alloying elements.
- 6989 Certain electrical steel punchings.
- 27 Natural quartz.
- 28 Vanadium ores and concentrates, including vanadium pentoxide, vanadic acid, vanadium oxide, and vanadates.
- 3 Petroleum coke.
- 513 Inorganic chemicals, as follows: oxygen, nitrogen, hydrogen, argon, and neon, *except liquefied*; chlorosulfonic acid; other zinc oxides, n.e.c., *except monocrystalline*; and other iron, lead, manganese, and titanium oxides, n.e.c.
- 56 Nitrogenous chemical fertilizers, n.e.c., *except urea fertilizers*; basic slag; and potassium chloride, all grades.
- 57 Certain hunting and sporting ammunition, n.e.c., *except hunting and sporting rifle cartridges*.
- 581 Polycarbonate resins, molding and extrusion forms.
- 718 Backhoes, dozers, rippers, rooters, grader blades, post hole diggers, ditching attachments, excavating attachments, rotary scrapers, road plows, scarifiers, shovels, sloppers, and scrapers for mounting on tractors, trucks, and other construction, maintenance, leveling, and excavating machines, n.e.c.
- 718 Certain power cranes, draglines, shovels, and backhoes, excavator-type, crawler- or walker-mounted; and parts, accessories, and attachments, n.e.c.
- 7193 Construction jacks, hydraulic, 100 tons or over lifting capacity; and parts, n.e.c.
- 7295 Certain nuclear radiation detection and measuring instruments designated for: (a) detection of low energy beta particles by liquid scintillation techniques, (b) detection of gamma emitting isotopes by activated crystal scintillation techniques, or (c) imaging or recording the distribution of radioactively labelled pharmaceuticals in body organs.
- 732 Certain truck-mounted rotary drill rigs; and parts and accessories, n.e.c.
- 732 Certain nonmilitary busses; and parts and accessories, n.e.c.
- 862 Photoresist formulations based on naturally occurring glues, gums, gelatins, alubumens, shellacs, or lacquers.
- 27 Natural graphite.
- 28 Titanium ores and concentrates.
- 29 Cinchona bark; pyrethrum (insect flowers); and rotenone-bearing roots, crude, ground, or powdered (for example, barbasco root, cube root, derris root, and tuba root).
- 4 Oils, boiled, oxidized, dehydrated, blown, or polymerized; and hydrogenated fats and oils, including unmixed and those that have not been further prepared for food purposes, *except hydrogenated fish and fish liver oils*.
- 59 Certain artificial and colloidal graphite.
- 663 Certain carbon or graphite refractory products, n.e.c.
- 671 Ferrovandium.
- 71980 Machines and mechanical appliances, *the following only*: BRI (Basic Refractories Injection) guns; line-travelling coating and wrapping machines for pipes and tubes; and pipe line cleaning machines; and parts, n.e.c.
- 7299 Certain electrodes and electrical carbons, n.e.c., *except brush plates, electrical carbon brushes, and lighting equipment, n.e.c.*
- 732 Truck-mounted concrete mixers (built-in mixers); mobile bituminous combination batching-mixing outfits; mobile gravel and tar spreaders; mobile

derricks; snow ploys, road motor, self-propeller with built-in equipment; and rubber-tired mine shuttle cars; and parts and accessories, n.e.c.
 8616 Certain photographic projectors, enlargers, and reducers (other than motion picture); and parts, n.e.c.

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- 28 Certain iron and steel scrap, including scrap melted into crude forms, containing 1 percent or more nickel by weight.
- 28 Nickel-bearing residues and dross.
- 28 Certain nickel or nickel alloy waste and scrap, including scrap melted into crude forms.
- 514 Nickel sulfate.
- 671 Ferronickel containing 90 percent or less nickel.
- 683 Certain nickel or nickel alloys, unwrought.
- 683 Certain bars, rods, angles, shapes, sections, wire, powder, flakes, plates, sheets, strip, foil, hollow bars, tubes, pipes, blanks, and fittings, of nickel or nickel alloy containing 32 percent or more nickel.
- 683 Certain bimetallic strip for thermostats.
- 683 Certain nickel or nickel alloy electroplating anodes.
- 6895 Certain cobalt or cobalt alloys, wrought or unwrought, and waste and scrap.
- 6988 Certain cobalt or cobalt alloy welding rods, wires, and electrodes, including brazing rods.
- 6988 Certain nickel or nickel alloy welding and soldering rods, wires, tubes, plates, and electrodes, including brazing rods.
- 6989 Certain articles, n.e.c., of iron or steel, made of magnetic materials having a composition capable of an energy product greater than 6×10^6 , up to and including 8×10^6 , gauss-oersteds.
- 6989 Certain cobalt or nickel alloy castings and forgings.
- 7152 Certain rolling mills; and parts and accessories, n.e.c.
- 722 Mechanical and electromechanical waveguide switches designed for frequencies of 12,500 MHz and below.
- 723 Certain insulated wire of nickel or nickel alloy, as follows: (a) insulated thermocouple nickel-chrome wire containing less than 95 percent nickel and within a diameter range of 0.2 mm. to 5 mm., both inclusive, or (b) other insulated nickel or nickel alloy wire containing 32 percent or more nickel.
- 28 Certain iron and steel scrap, including scrap melted into crude forms.
- 28 Nickel ores and concentrates.
- 512 Pentaerythritol.
- 513 Nickel oxide.
- 675 Certain carbon or alloy steel hoop and strip having a composition capable of an energy product greater than 6×10^6 , up to and including 8×10^6 , gauss-oersteds, coated or uncoated.
- 681 Certain platinum-based magnetic materials having a composition Capable of any energy product greater than 6×10^6 , up to and including 8×10^6 , gauss-oersteds.
- 683 Certain bars, rods, angles, shapes, sections, wire, plates, sheets, strips, powders, flakes, foil, tubes, pipes, blanks, and hollow bars of nickel or nickel alloy.
- 6986 Compression and extension springs and leaves for springs, copper or copper alloy.
- 7191 Aircraft air-conditioning systems; and parts, n.e.c.
- 7191 Heat exchangers, oil collers, and liquid coolers specially designed for aircraft; and parts, n.e.c.
- 7192 Pumps, air compressors, fans, and blowers specially designed for aircraft; and parts and attachments, n.e.c.
- 722 Electric motors specially designed for aircraft; and parts and accessories, n.e.c., including motor controls.
- 723 Ignition harness and cable sets, aircraft type.
- 7294 Electrical starting and ignition equipment, aircraft type, and parts, n.e.c.
- 7295 Instruments, n.e.c., specially designed for aircraft (for example, current, voltage, phase, and frequency meters, pressure, level, vacuum, flow, temperature, rotative speed, vibration, etc.).
- 7299 Aircraft alarm, warning, and signaling instruments, n.e.c. (for example, fire detectors and indicators; engine failure indicators; wheel, flap, cowl flap,

- and control position indicators, etc.); flashing, intermittent, and rotating lights; ignition capacitors (condensers); and parts, n.e.c.
- 81 Landing lights and other lighting fixtures specially designed for aircraft.
- 8617 Aircraft oxygen systems, apparatus, equipment, and components, n.e.c.; and parts, n.e.c.
- 8618 Mechanical tachometers for aircraft engines.
- 8619 Certain aircraft engine instruments for measuring, checking, or automatically controlling the flow, pressure, or other variables of liquids, gases, or temperature; aircraft-type hydrometers and similar instruments; and aircraft thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination of these; and parts and accessories, n.e.c.
- 512 Nickel acetate; and nickel formate.
- 513 Nickel hydroxide; and nickel peroxide.
- 514 Nickel ammonium sulfate, nickel carbonate, nickel chloride, nickel nitrate, and nickel phosphate.
- 52 Certain tar oils, and crude chemicals from coal, petroleum, and natural gas.
- 56 Ammonium phosphates.
- 59 Certain activated carbon and activated charcoal; and bleaching earth, acid activated.
- 711 Hydrojet propulsion units for watercraft; and parts, n.e.c.
- 7193 Aircraft winches, hoists, tow bars, pallets, conveyors, and elevating platforms; and aircraft cargo handling and loading equipment, n.e.c.; and parts and attachments, n.e.c.
- 7196 Aircraft fire extinguishing systems; and parts, n.e.c.
- 722 Fuses, dimmer switches, lighting switches, power relays, and other electrical apparatus for making, breaking, or protecting electrical circuits on aircrafts; and parts, n.e.c.
- 722 Certain rotating equipment, n.e.c., and thermoelectric generators; and parts and accessories, n.e.c.
- 722 Certain electronic relays and switches.
- 683 Certain tube fittings and pipe fittings of nickel or nickel alloy.
- 862 Photographic film and plates, sensitized, unexposed (*a*) having a spectral sensitivity which does not extend above 7,200 nor below 2,000 angstroms, and (*b*) with a resolution capability of less than 500 lines/mm.

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- 71980 Electric equipment designed solely for cleaning magnetic tape and other magnetic recording media; and parts and accessories, n.e.c.
- 62 Certain tires, as follows: (*a*) of 10 ply rating or over, in sizes 9:00 or over, and (*b*) tires with a non-directional tread design.
- 695 Certain broaching tools, tools for metalworking machines, hollow deephole drills, diamond dies for metalworking machines, diamond boring and turning tools whether or not for metalworking machines, and other tools incorporating industrial diamonds; and parts, n.e.c.
- 711 Certain steam turbines designed for turbogenerators 60,000 kilowatts and over; and parts and accessories, n.e.c.
- 71970 Certain ball and cylindrical roller bearings having tolerances of BEC 5 or closer, having rings, balls, or rollers made of low carbon steel (0.06 to 0.18 percent carbon); and parts, n.e.c.
- 71970 Certain ball and roller bearings, aircraft type; and parts, n.e.c.
- 71970 Certain ball and roller bearings with inner bore diameter 10 mm. and under or 200 mm. and over; and tapered, spherical, or thrust roller bearings with inner bore diameter above 400 mm.; and parts, n.e.c.
- 581 Nylon 612.
- 695 Tool bit and die blanks containing tungsten carbide or molybdenum; and tool tips, etc., unmounted, or sintered metal carbides.
- 711 Certain steam turbines and steam engines; and parts and accessories, n.e.c.
- 71970 Certain ball and roller bearings, and parts, n.e.c.
- 651 Tire cord and tire cord fabric of noncellulosic man-made fiber.
- 663 Certain refractory products, other than refractory construction materials.

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- 6895 Certain bismuth or bismuth alloys, wrought or unwrought, and waste and scrap.
- 6989 Certain articles, n.e.c., made of zirconium or zirconium alloys.

- 6895 Certain zirconium alloys containing 50 percent or less zirconium, wrought or unwrought, and waste and scrap.
- 6989 Certain zirconium or zirconium alloy castings and forgings.
- 28 Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.
- 28 Copper bearing ash and residues.
- 28 Copper or copper-base alloy waste and scrap.
- 28 Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.
- 682 Refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such copper fragments.
- 682 Copper-based alloy ingots.

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- 28 Scrap, including scrap melted into crude forms, of alloy steel produced by the vacuum degassing processing technique.
- 672 Ingots, blanks for tubes and pipes, coils for rerolling, blooms, billets, slabs, sheet bars, and roughly forged pieces, of alloy steel produced by the vacuum degassing processing technique.
- 673 Bars, rods, angles, shapes, and sections, of alloy steel produced by the vacuum degassing processing technique.
- 674 Plates and sheets, of alloy steel produced by the vacuum degassing processing technique.
- 675 Hoop and strip, of alloy steel produced by the vacuum degassing processing technique.
- 677 Wire, of alloy steel produced by the vacuum degassing processing technique.
- 678 Tubes and pipes, of alloy steel produced by the vacuum degassing processing technique.
- 679 Castings and forgings, of alloy steel produced by the vacuum degassing processing technique.
- 6988 Welding rods and wires, of alloy steel produced by the vacuum degassing processing technique.
- 7295 Certain instruments, n.e.c., designed for operation at frequencies from 300 MHz up to and including 1,000 MHz.
- 3 Gasoline.
- 512 Tetraethyl lead (TEL) and compounds thereof; and tetramethyl lead (TML) and compounds thereof.
- 59 Prepared compounds of tetraethyl lead (TEL) or tetramethyl lead (TML).
- 71510 Post type horizontal boring-drilling-milling machines; folding-arm type radial drilling machines; pipe perforating type drilling machines; crankshaft and roll types of external cylindrical grinding machines; drawbench, file grinder, knife and shear grinders, saw grinder, and sharpener types of tool and cutter grinding machines; jewelers and watchmakers types of engine lathes; brake drum, car wheel, car wheel axle, non-automatic chucking, and non-automatic crankshaft turning types of lathes; pipe perforating and spline types of milling machines; chamfering and sheet types of surface grinding machines; crank type planers except gear planers; certain precision, jig, and boring machines; unit head or way type drilling machines; other gear hobbors; certain gear tooth grinding and finishing machines; certain gear cutting machines; surface grinding machines; tool and cutter grinding machines; grinding and polishing machines; engine lathes; turret lathes, except vertical; certain lathes; shapers and slotters; and used or rebuilt machines listed in this entry.
- 7195 Parts, accessories, attachments, and auxiliary equipment, n.e.c., for certain metalcutting and metalworking machines and machine tools.
- 7295 Fading and weathering test equipment.
- 8619 Range finders specially designed for other high speed cameras capable of recording.
- 512 Certain synthetic organic medicinal chemicals.
- 512 Certain organic chemical plasticizers.
- 512 Certain organic coal tar and other cyclic chemical intermediates.
- 512 Certain miscellaneous organic industrial chemicals and other organic chemicals.
- 513 Certain inorganic chemical elements.
- 514 Certain inorganic chemicals, n.e.c.
- 59 Certain chemical materials and products, n.e.c.

- 71510 Single spindle automatic chucking lathes, and single spindle between-center lathes.
 7195 Parts, accessories, attachments, and auxiliary equipment, n.e.c., for single spindle automatic chucking lathes, and single spindle between-center lathes.
 512 Certain organic rubber compounding chemicals.
 514 Ammonium metavanadate.
 86140 Certain photographic cameras and flashlight apparatus; and parts, n.e.c.
 8616 Certain still picture, motion picture, photographic, and photocopying equipment, n.e.c.; and parts, n.e.c.
 8619 Range finders for certain skill cameras; and certain motion-picture cameras; and parts, n.e.c.

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- 71510 Certain metal cutting and metalworking machines and machine tools, n.e.c., as follows: vertical boring and turning mills, including vertical turret lathes (Schedule B No. 715.1004); vertical (upright) drilling machines (Schedules B No. 715.1008); radial drilling machines (Schedule B No. 715.1012); honing and lapping machines (Schedule B No. 715.1030); knee-type milling machines (Schedule B No. 715.1048); bed-type milling machines (Schedule B No. 715.1050); profile, duplicating and diesinking milling machines (Schedule B No. 715.1052); broaching machines (Schedule B No. 715.1056); milling machines (Schedule B No. 715.1054); sawing and cut-off machines (Schedule B No. 715.1062); tapping machines (Schedule B No. 715.1064); threading machines (Schedule B No. 715.1066); punching and shearing machines (Schedule B No. 715.1074); bending and forming machines (Schedule B No. 715.1076); hydraulic and pneumatic presses (Schedule B No. 715.1078); mechanical and manual presses (Schedule B No. 715.1080); forging machines, except presses (Schedule B No. 715.1082); metal container-making machines, n.e.c. (Schedule B No. 715.1084); knurling, marking, riveting, spinning lathe, and thread rolling metalforming machines (Schedule B No. 715.1085); and used or rebuilt machines listed in this entry (Schedule B No. 715.1072 and 715.1088).
 7195 Parts, accessories, attachments, and auxiliary equipment, n.e.c., for machine and machine tools listed in above entry No. 71510 which require a validated license for export to Country Groups S and Z only.
 O Inbred cereal grain seed.
 29 Inbred forage sorghum seed.
 6988(16)G Bismuth, cadmium, indium, lead, tin, tungsten carbide, chromium carbide soldering and welding rods and wires coated or cored with flux material.
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- 28 Certain iron and steel scrap, including scrap melted into crude forms, n.e.c.
 512 Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, including but not limited to nonyl sebacates, nonyl azelates, nonyl adipates, octyl sebacates, octyl azelates, and octyl adipates.
 514 Boron trichloride and its complexes.
 672 Ingots, blanks for tubes and pipes, coils for rerolling, blooms, billets, slabs, sheet bars, and roughly forged pieces, certain alloy steel, n.e.c.
 673 Bars, rods, angles, shapes, and sections, certain alloy steel, n.e.c.
 675 Hoop and strip, certain alloy steel, n.e.c.
 677 Wire, certain alloy steel, n.e.c.
 678 Tubes and pipes, certain alloy steel, n.e.c.
 679 Castings and forgings, certain alloy steel, n.e.c.
 683 Certain nickel alloys, n.e.c., wrought or unwrought, containing a higher percent, by weight, of nickel than any other element.
 6895 Certain cobalt alloys, n.e.c., wrought or unwrought, and waste and scrap, containing a higher percent, by weight, of cobalt than of any other element.
 6988 Welding rods and wires, certain alloy steel, n.e.c.
 6988 Certain cobalt alloy welding rods, wires, and electrodes containing a higher percent, by weight, of cobalt than of any other element.
 6988 Certain nickel alloy welding and soldering rods, wires, tubes, plates, and electrodes containing a higher percent, by weight, of nickel than any other element.

- 6989 Certain nickel alloy castings and forgings containing a higher percent, by weight, of nickel than any other element.
- 6989 Certain cobalt alloy castings and forgings containing a higher percent, by weight, of cobalt than of any other element.
- 718 Certain foundry sand agglomerating, molding, or shaping machines; and parts, n.e.c.
- 7192 Certain other pumps having *all* flow-contact surfaces *made of or lined with* fluoro and/or silico resins; and parts and attachments therefor.
- 7199 Valve parts and accessories wholly made of certain other fluorocarbon polymers or copolymers.
- 7199 Gaskets (joints) wholly made of certain fluorocarbon polymers or copolymers.
- 723 Certain insulated wire of nickel or nickel alloy, as follows: (a) thermocouple nickel-chrome wire containing less than 95 percent nickel and within a diameter range of 0.2 mm. to 5 mm., both inclusive, or (b) other wire containing 32 percent or more nickel.
- 7295 Dosimeters and dose rate meters specially designed for use with medical radiation equipment or used in food and plastics processing.
- 26 Staple, not carded or combed, and continuous filament tow, wholly made of certain fluorocarbon polymers or copolymers.
- 3 Gasoline blending agents, hydrocarbon compounds only, n.e.c.
- 512 Diethylene triamine, less than 96 percent purity.
- 513 Chlorine.
- 513 Silicon, purity 99.9 percent up to but not including 99.99 percent.
- 54 Cobalt dental alloys and first aid boxes and kits, military.
- 581 Ion exchange membranes; and ion exchange liquids.
- 581 Silicone diffusion pump fluids having the capacity for producing ultimate pressures of 10 torr and greater.
- 59 Activated carbon usable in petroleum and chemical processing operations.
- 651 Monofil, filament yarn, and thread of filament yarn wholly made of certain fluorocarbon polymers or copolymers.
- 653 Broad woven fabric, as follows: (a) wholly made of certain fluorocarbon polymers or copolymers, or (b) coated or impregnated with fluorocarbon polymers or copolymers.
- 654 Narrow woven fabric wholly made of certain fluorocarbon polymers or copolymers.
- 655 Textile fabrics, tubing, hose, and articles, n.e.c., wholly made of, or lined, covered, or impregnated with certain fluorocarbon polymers or copolymers.
- 656 Bags, sacks, and made-up textile articles, n.e.c., wholly made of certain fluorocarbon polymers or copolymers; and narrow fabrics coated or impregnated with fluorocarbon polymers or copolymers.
- 663 Packing, gaskets, textiles, yarns, and other manufactures of asbestos coated or impregnated with fluorocarbon polymers or copolymers.
- 664 Lens blanks, not optically worked, of polycrystalline silicon of a purity of 99.9 percent up to but not including 99.99 percent.
- 6640 Certain other glass fiber articles containing more than 20 percent by weight of fluorocarbon polymers or copolymers.
- 671 Ferrocobalt.
- 691 Iron and steel bridges; and parts.
- 6989 Polycrystalline silicon, purity 99.9 percent up to but not including 99.99 percent.
- 711 Certain diesel engines, 1,500 brake horsepower or over, with rotary speeds of 700 r.p.m. or over; and parts and accessories therefor, n.e.c.
- 71510 Internal cylindrical grinding machines (Schedule B No. 715.1032); multiple spindle automatic chucking lathes (Schedule B No. 715.1042); automatic screw machines (Schedule B No. 715.1044); crankshaft rolling, engraving, key-seating, machines for making lock keys, pipe-beveling combination, pointing, reaming, and cutoff, boring, facing, and chambering combination (Schedule B No. 715.1070); and barbed wire manufacturing, draw benches, flash trimming, spring assembling, spring coiling, spring coiling and knotting combination, steel wool manufacturing, straightening, straightening and bundling combination, straightening and cut-off combination, wire chain forming and hooking combination, wire coiling, wire drawing, wire spring setting, wire twisting, and wire weaving (Schedule B No. 715.1087); and used or rebuilt machines listed in this entry (Schedule B Nos. 715.1072 and 715.1088).
- 7191 Metal heat-treating nonelectric industrial furnaces or heaters; and parts and attachments, n.e.c.

- 7191 Certain equipment for the production of liquid helium; and parts, n.e.c.
- 7195 Parts, accessories, attachments, and auxiliary equipment, n.e.c., for the machine tools listed in No. 71510 above.
- 7196 Are plasma devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating and/or spraying; equipment incorporating such devices; and parts, n.e.c.
- 7199 Certain valves, cocks, or pressure regulators having all flow-contact surfaces *made of or lined with* fluoro and/or silico resins; and parts, n.e.c.
- 723 Electrical insulators and fittings wholly made of or containing certain other fluorocarbon polymers or copolymers.
- 7295 Certain measuring, calibrating, counting, and time interval measuring equipment, n.e.c., with *any* of the following characteristics: (a) frequency measuring instruments having an accuracy better than 0.00001 percent, (b) capable of resolving (at normal input levels) successive input signals with less than 0.5 microsecond time difference (including time interval measuring equipment containing such counters), (c) capable of measuring time intervals of 0.1 second or with an error not exceeding 1 microsecond plus 0.001 percent of the interval measured, or (d) capable of counting at rates in excess of 1 MHz.
- 7295 PH meters; and moisture measuring and humidity instruments, industrial process, for controlling, indicating, measuring, recording or transmitting.
- 7295 Osmometers.
- 7299 Electric arc devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating and/or spraying; equipment incorporating such devices; and non-vacuum electron beam welders; and parts, accessories, and attachments, n.e.c.
- S611 Optical elements of silicon with a purity of 99.9 percent up to but not including 99.99 percent silicon.
- S619 Parts and accessories wholly made of certain fluorocarbon polymers or copolymers.
- S9300 Articles, finished, n.e.c., as follows: (a) wholly made of certain fluorocarbon polymers or copolymers, (b) partially made of polytetrafluoroethylene or polychlorotrifluoroethylene, (c) made of molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers, (d) pressure sensitive tape coated or impregnated with fluorocarbon polymers or copolymers, or (e) hose and tubing lined or covered with certain fluorocarbon polymers or copolymers.
- 3 Gilsocarbon coke or other coke derived from gilsonite.
- 512 Organic coal tar and other cyclic chemical intermediates, as follows: Alkyl benzenes (detergent alkylates) with straight-chain alkyl groups containing 8 or more carbon atoms; Anthracene; meta-Chloroaniline; ortho-Chloroaniline; para-Chloroaniline; Cyclohexane; Cyclohexanol; Cyclohexanone; Dinitrotoluene; Diphenyl; Naphthalene; Nonyl phenol; Octyl phenol; perchloropentacyclodecane; Phenyl isocyanate; Terephthalic acid; para-Terphenyl; Tetrahydrofuran; Toluene-2,4-diamine; Triphenyl phosphorus. 2,4,6-Collidine (2,4,6-trimethylpyridine); 2,4-Dichlorobenzoic acid; 3, 4-Dichlorobenzoic acid; 2,3-Dichloro-1,4-naphthoquinone; Isophorone; and Xylenol.
- 512 Synthetic organic medicinal chemicals, except mixtures and compounds, as follows: Potassium citrate; Potassium tetroxalate; Sodium citrate; Sodium benzoate; and Sodium tetroxalate.
- 512 Organic rubber compounding chemicals, as follows: N-phenyl-beta-naphthylamine.
- 512 Organic chemical plasticizers, as follows: Cresyl diphenyl phosphate; Dibutyl maleate; Dibutyl phthalate; and Tributoxyethyl phosphate.
- 512 Miscellaneous organic industrial cyclic chemicals and other organic chemicals, as follows: Potassium biphtalate; Quinhydrone; and Sodium biphtalate.
- 512 Miscellaneous organic industrial and other organic chemicals, excluding cyclic, as follows: Acetaldehyde; Acetic anhydride; Acetone; Acetylene; Acrylic acid; Azeotropic mixture of trifluoromethane and monochlorotrifluoromethane (R-503); 1,3-Butadiene; tert-Butylamine; Butyl methacrylate; Chloroprene; Diethylene glycol dibutyl ether; Diethylene glycol diethyl ether; 2-Dimethylaminoethanol; 1-Eicosanol; Ethylene carbonate; Ethylene glycol dibutyl ether; Ethylene glycol monobutyl ether acetate; 1-Hexadecanol; Hexamethylenediamine; 1-Hexanol; Isobutene; Isobutyl acrylate; Isobutyl methacrylate; Isoprene; Methacrylic acid; Methyl acrylate; Methyl mercaptan; Nitroethane; 1-Octadecanol; Sebacic acid; Sucrose acetate isobutyrate; Vinyl acetate; and 1-Vinyl-2-pyrrolidone; Caprolactam; Copper acetate; Diisobutyl ketone; Dimethylolpropionic acid; 2-Ethylhexaldehyde; Ethyl silicate;

- Methyl amyl ketone; Methyl isoamyl ketone; Tetraphenyltin; and Trimethylolpropane.
- 513 Inorganic chemical elements, acids, oxides, hydroxides, peroxides, and halogen salts, as follows: Antimony trioxide; Carbon dioxide, Carbon disulfide; Hydrogen sulfide; Magnesium oxide, less than 97 percent purity; Nitric acid, *except fuming nitric acid*; Phosphoric acid; and Silicon tetrachloride; Hexafluorophosphoric acid; Phosphorus pentasulfide; and Tungsten trioxide.
- 514 Inorganic chemicals, n.e.c., as follows: Calcium hydroxide, Disodium phosphate; Potassium iodide; Potassium nitrate, particle size greater than 100 microns; Sodium phosphate, dibasic; Sodium phosphate, tribasic; Zirconium carbonate, basic; Zirconium phosphate; Zirconium silicate; Zirconium sulfate; Aluminum sulfate; Ammonium bromide; Ammonium chloride; Potassium persulfate; Sodium bisulfate; Sodium hypophosphite; Sodium metasilicate; and Sodium persulfate.
- 581 Polymers, copolymers, and their products, finished, n.e.c., unfinished or semifinished, as follows: Phenolformaldehyde resins; Polyvinyl formal; Polyvinyl pyrrolidone; Potassium alginate; Sodium alginate; Acrylonitrile-butadienestyrene copolymer (ABS resin), Hydroxyvinyl resins, Polyamide resins, alcohol-soluble types, Polysier tapered filament, Polyvinyl acetate resins, and Polyvinyl butyral; and other ion exchange resins.
- 59 Chemical materials and products, n.e.c., as follows: pH Buffer Salt and solution mixtures; pH Electrode electrolyte solution mixtures; Ink eradicators; Peptones; Polyvinyl acetate emulsion glues and adhesives; and Urea formaldehyde adhesives and glues.
- 6893 Certain magnesium or magnesium alloys, unwrought or wrought.
- 6988 Commodities not listed above, classified under Schedule B Nos. 698.8110 through 698.8740.
- 711 Certain hydraulic motors; and parts, n.e.c.
- 711 Certain diesel engines; internal combustion engines n.e.c. over 50 horsepower; outboard motors over 15 horsepower; and engines for watercraft and automotive vehicles; and parts and accessories, n.e.c.
- 7152 Bessemer converters, open hearth converters, and other metallurgical converters and parts, n.e.c.
- 7191 Metal-melting furnaces, blast furnaces, and cupolas, nonelectric; and parts and attachments, n.e.c.
- 7191 Certain nonelectric furnaces, ovens, and kilns; and parts and attachments, n.e.c.
- 7199 Transmission shaft, cranks, bearing housings, pulleys, and mechanical power transmission equipment, n.e.c.; and parts, n.e.c.
- 723 Certain insulated wire and cable, n.e.c.

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- 23(1)G Chlorosulfonated polyethylene elastomer.
- 27(3)G Celestite.
- 27(3)G Nonmetallic minerals, as follows: gallium sesquioxide and strontium sulfate.
- 28(10)G Other nickel or nickel alloy waste and scrap, including scrap melted into crude forms, as defined in § 399.2, Interpretation 6(b) or 33.
- 28(5)G Molybdenum ores and concentrates.
- 28(1)G Tantalum ores and concentrates.
- 28(12)G Tantalum bearing slag.
- 512(34)G Organic coal tar and other cyclic chemical intermediates, as follows: ortho-Anisidine; para-Anisidine; Benzyl chloride; Cyclohexylamine; 2,4-Dichlorophenol; Dihydroxy diphenyl sulfone; meta-Nitroaniline; ortho-Nitroaniline; para-Nitroaniline; meta-Nitrophenol; ortho-Nitrophenol; para-Nitrophenol; ortho-Phenetidine; para-Phenetidine; Phenolsulfonic acid; Phthaloyl chloride; Salicylic acid, technical grade; Toluene diisocyanates, *except the 2-4 isomer with 85 percent purity and above*; ortho-Toluenesulfonamide; para-Toluenesulfonamide; ortho-Toluenesulfonic acid; para-Toluenesulfonic acid; and 1,2,4-Trichlorobenzene.
- 512(34)G Synthetic organic medicinal chemicals, in bulk, as follows: Guaiacol; Phenolphthalein; Salicylamide; and Salicylic acid, USP grade.
- 512(34)G Organic chemical plasticizers, as follows: tertiary Butyl phenol 2,2,4-trimethyl dihydroquinoline; Diphenyl phthalate Trieresyl phosphate; and Triphenyl phosphate.

- 512(34)G Miscellaneous organic industrial cyclic chemicals and other organic chemicals, as follows: Triphenyl phosphite.
- 512(34)G Miscellaneous organic industrial and other organic chemicals, excluding cyclic, as follows: 2-Amino-2-methyl-1-propanol; Chloroacetic acid; Diethylene glycol dimethyl ether; Glycerol monooleate; Thioglycolic acid; Trichloroisocyanuric acid; and Trimethylolmethane.
- 513(33)G Inorganic chemical elements, acids, oxides, hydroxides, peroxides, and halogen salts, as follows: Phosphoric anhydride; and Sulfur dioxide.
- 512(31)D Organic chemicals usable as catalysts in petroleum and chemical processing operations.
- 512(31)G Organic chemicals, as follows: tetrafluoroethylene; triethyl aluminum; trifluoromonoethoxyethylene; trimethyl aluminum; and chemicals as anti-knock agents, *except tetraethyl lead (TEL) and tetramethyl lead (TML)*.
- 512(34)G Organic coal tar and other cyclic chemical intermediates, as follows: Dianisidine; and Dicyclohexylamine.
- 512(34)G Synthetic organic medicinal chemicals, as follows: Corticosterone; and Quinic acid.
- 512(34)G Organic rubber compounding chemicals, as follows: Tetramethyl thiuram monosulfide.
- 512(34)G Organic chemical plasticizers, as follows: Dicyclohexyl phthalate; Di(N-decyl) phthalate; Di(2-ethylhexyl) phthalate; Diethyl phthalate; Diisooctyl phthalate; Dimethyl phthalate; Dioctyl phthalate; Ditridecyl phthalate; Diundecyl phthalate; Methyl arachidate; Methyl elaidate; Methyl linoleate; Methyl linolenate; Methyl nonadecanoate; Methyl oleate; and Methyl palmitate.
- 512(34)G Miscellaneous organic industrial and other organic chemicals, excluding cyclic, as follows: Dodecenylsuccinic anhydride; Ninhydrin; Nitromethane; 1-Nitropropane; 2-Nitropropane; Potassium dichloroisocyanurate; and Sodium dichloroisocyanurate.
- 513(11)D Catalysts usable in petroleum and chemical processing operations.
- 513(7b) Monocrystalline and polycrystalline forms of molybdenum with a purity from more than 99.5 percent up to and including 99.9 percent.
- 513(20)G Hydrazine hydrate; and mixtures of hydrazine containing less than 70 percent of hydrazine equivalent.
- 513(22)G Molybdic oxide (MoO_3) only. Molybdenum dioxide; Molybdenum sesquioxide; and Molybdenum trioxide.
- 513(25)B Hafnium oxides, hydroxides, and peroxides containing 15 percent or less hafnium by weight.
- 513(28)G Germanium oxides, hydroxides, and peroxides, purity 99.99 percent or higher; phosphorus, elemental; phosphorus oxychloride; and phosphorus trichloride
- 513(33)G Germanium oxides, hydroxides, and peroxides, purity less than 99.99 percent; Hydrobromic acid; and Hydrogen bromide, anhydrous.
- 514(13)B Hafnium compounds containing 15 percent or less hafnium by weight, by name and state hafnium content.
- 514(16)G Nickel chloride; Potassium perchlorate; and Sodium perchlorate.
- 514(27)G Molybdenum salts and compounds, *the following only*: molybdenum disulfide of less than 98 percent purity; molybdenum carbide and ammonium, calcium, potassium, and sodium molybdate.
- 514(32)G Inorganic chemicals, as follows: Potassium thiocyanate, Potassium tripolyphosphate; Sodium hexametaphosphate; Sodium metaphosphate, Sodium pyrophosphate; Sodium phyrophosphate, acid; Sodium thiocyanate, Sodium trimetaphosphate, and Strontium sulfate.
- 514(26)D Catalysts usable in petroleum and chemical processing operations.
- 514(23)G Other tantalum or tantalum-niobium compounds.
- 514(32)G Other inorganic chemicals, n.e.c., as follows: Ammonium phosphate, dibasic; Ammonium phosphate, monobasic; Calcium pyrophosphate; Diethylaluminum chloride; Potassium phosphate dibasic; Potassium phosphate, tri-basic.
- 57(5)G Shotgun shells, and parts.*
- 581(19)G Polyvinyl chloride.
- 581(19)G Ethylene maleic anhydride resins; Ionomer resins; Melamineformaldehyde resins; Phenolic resins, n.e.c.; Sulfonamideformaldehyde resins, and Urea-formaldehyde resins.

*Requires a validated license for South Africa.

- 59(24)G Chemical material and products, n.e.c. as follows: Calcium sulfate impregnated silica gel adsorbent; Magnesium silicate impregnated silica gel adsorbent; Mixtures containing two or more of any of the following alcohols: Decanol, Eicosanol, Hexadecanol, Hexanol, Lauryl, Myristyl; Octadecanol, Octanol; and Silver nitrate impregnated silica gel adsorbent.
- 59(13)G Prepared anti-knock compounds, *except prepared compounds of TEL or TML*; and prepared additives for petroleum lubricating oils, *except zinc diisooctylidithiophosphate lube oil additive*.
- 59(24)G Phenol-formaldehyde adhesives.
- 62(7)G Other aircraft tires, *except used aircraft tires not suitable for recapping for aircraft use*.
- 671(3)G Ferrotantalum; and ferrocolumbium-tantalum.
- 683(9)G Other nickel powder with a nickel content of less than 99 percent and a particle size of 100 microns or over.
- 683(11)G Other nickel or nickel alloys, wrought or unwrought, as defined in §399.2 Interpretation 6(b).
- 6894(3a)G Molybdenum metal with a purity of more than 99.5 percent up to and including 99.9 percent molybdenum; molybdenum alloys containing more than 95 percent but 97.5 percent molybdenum or less and unalloyed sheets, strips, and tapes 20 inches or less in width.
- 6894(6)G Other molybdenum or molybdenum alloys, wrought or unwrought and waste and scrap.
- 6894(5)G Other tantalum metal alloys, wrought or unwrought, and waste and scrap.
- 693(1)G Wire cable, rope, strand, and cord, stainless, steel, suitable for aircraft.
- 6989(17)G Other tantalum alloy castings and forgings.
- 6989(17a)G Castings and forgings of molybdenum metal containing more than 99.5 percent up to and including 99.9 percent molybdenum, or molybdenum alloy containing more than 95 percent but 97.5 percent or less molybdenum.
- 6989(18)G Other cobalt or nickel alloy castings and forgings, as defined in §399.2, Interpretation 6(b).
- 6895(7)G Other cobalt or cobalt alloys, wrought or unwrought, and waste and scrap, as defined in §399.2, Interpretation 6(b).
- 695(2)G Rock drill bits and core bits, including hole openers, having cones or sections which rotate freely and independently of the rotation of the body of the bit; and parts, n.e.c.
- 6988(14a)G Flexible tubing and pipe of base metals.
- 711(18)G Sterling or Erickson cycle engines; and parts, n.e.c.
- 7191(24)G Industrial processing vessels, nonmixing, n.e.c., specially designed for use in the following unit operations: (a) solvent processing, (b) fractionating, rectifying, and dephlegmatizing, (c) hydrogenation, (d) dehydrogenation, (e) isomerization, (f) polymerization, (g) aromatization, (h) alkylation, (i) desulfurization, or (j) thermal and catalytic cracking, reforming, or platforming; and parts and accessories therefor, n.e.c.
- 7191(25)G Other fractionating columns, heat exchangers, and processing vessels having *all* flow contact surfaces *made of or lined with any of* the following materials: (a) 90 percent or more tantalum, titanium, or zirconium either separately or combined; (b) 50 percent or more cobalt, molybdenum, nickel, or tungsten either separately or combined; (c) 13 percent or more silicon; (d) steel alloys containing more than 3 percent of (i) chromium and molybdenum combined, or (ii) chromium and tungsten combined, or (iii) chromium, molybdenum, or tungsten combined; (e) 2.5 percent or more nickel; (f) fluoro and/or silico resins; (g) glass (acid-, heat-, or shock-resistant); (h) ceramics; (i) carbon; (j) graphite; or (k) acid/heat resistant cement; and parts, n.e.c.
- 7191(26)G Fractionating columns having, or having provisions for, 25 or more trays; and parts, n.e.c.
- 711(15)G Other gas turbine engines, 1,000 equivalent shaft horsepower or over, which have been in normal civil use for more than one year; and parts and accessories, n.e.c.
- 711(16)G Other gas turbine engines and gas turbines, n.e.c.; and parts and accessories, n.e.c.
- 714(1)G Electric typing devices capable of being connected to and operating over a wire communication circuit; and parts and accessories, n.e.c.
- 71510(17)G Other external cylindrical grinding machines.
- 718(11)G Other well-drilling machines, n.e.c.; and parts, accessories, and attachments, n.e.c.

- 718(3)G Rotary drill rigs incorporating rotary tables with drawn designed for an input of 150 horsepower and over; and parts, accessories, and attachments, n.e.c., *except drift indicators not containing gyroscopes or cameras, core barrels, crown and travel blocks, hooks, swivels, drill collars, tool joints, kellys, and kelly and rotary substitutes.*
- 7193(4)G Oilfield derricks, platforms, drawworks, and substructures; and parts, n.e.c.
- 7195(10)G Parts, accessories, attachments, and auxiliary equipment, n.e.c., for external cylindrical grinding machines listed above in No. 71510.
- 7196(2)G Spray etching, rinsing, and cleaning machines, n.e.c., signed for the production of printed circuit boards; and parts, n.e.c.
- 7199(10)G Other valves, cocks, or pressure regulators (a) *incorporating* 90 percent or more tantalum, titanium, or zirconium, or 50 percent or more cobalt or molybdenum, either separately or combined; or (b) designed for use in the processing of petroleum, petrochemicals, natural gas, or their fractions; and parts, n.e.c.
- 7199(11)G Mud valves, working pressure 600 psi or over, specially designed for rotary drill rigs, *except core drill rigs*; and valves and valve assemblies, 2,000 psi and over, specially designed for oil and gas field production (for example, wellhead, casinghead, and Christmas tree assemblies; inlet, manifold and production headers; hangers, chokes, etc.); and parts n.e.c.
- 7199(12)G Other valves and valve assemblies specially designed for oil and gas field production; and parts, n.e.c.
- 7199(13)G Other valves, cocks, or pressure regulators having all flow-contact surfaces *made of or lined with any* of the following materials: (a) 50 percent or more nickel or tungsten either separately or combined, (b) 13 percent or more silicon (c) steel alloys containing any combination of chromium, with either or both molybdenum or tungsten in which the sum of the alloying elements exceeds 3 percent of the total, (d) 2.5 percent or more nickel, (e) glass (acid-, heat-, or shock-resistant), (f) ceramics, (g) carbon, (h) graphite, or (i) acid/heat resistant cement; and parts, n.e.c.
- 722(12)G Electrical power equipment specially designed for aircraft (for example, generators, regulators, rectifiers, converters, inverters, magnetic amplifiers, transformers, etc.); and parts and accessories, n.e.c.
- 722(24)G Waveguide and microwave switches designed for frequencies between 600 MHz and 12,500 MHz; and parts, n.e.c.
- 723(12)G Other electrical insulators and fitting containing polyimide-polyamide.
- 726(5)G Industrial beta, gamma, and X-ray equipment capable of measuring and/or controlling the dimensions of a rolled product (including coating) during its production; and parts, n.e.c.
- 72930(2)G Other cathode ray tubes, n.e.c., as follows: (a) with 3 or more electron guns, *except 3-gun color television tubes*, and (b) alpha-numeric display tubes in which the displayed position of each character is *not* fixed; and parts and accessories, n.e.c.
- 7295(32)G Other underwater detection and location apparatus, n.e.c.
- 7295(64)G Other test, measuring, and checking equipment for aircraft systems and components, *except radio and radar.*
- 7295(44)G Other balancing machines or balancing and correcting machines for balancing metal parts statically, dynamically, or both.
- 7295(51)G Instruments or devices, n.e.c., capable of controlling the dimensions of a rolled product during its production.
- 7295(61)G Other aircraft flight and navigation instruments, n.e.c.
- 7295(67)G Gear testers designed for the testing of gears of diametral pitch finer than 48.
- 7295(53)G Other vacuum gauges, ionization types.
- 7299(6)G Other permanent magnets, electromagnets, and electromagnetic brakes, clutches, and appliances, n.e.c.; and parts, n.e.c.
- 7299(5)F Other permanent magnets made of magnetic materials as defined in Interpretation 6(b) or 33.
- 7299(31)G Other electronic components, n.e.c., as follows: (a) consisting of assemblies and subassemblies constituting one or more functional circuits with a component density of 75 parts or less per cubic inch, or (b) modular insulator panels (including wafers) mounting single or multiple electronic elements constructed of paper base phenolics, glass cloth melamine, glass cloth epoxy resins, or any insulating material with a maximum continuous rated operating temperature not exceeding 150° C.; and parts, n.e.c.

- 732(12)G Other off-highway trucks and trailers (including logging trailers); and parts accessories, n.e.c.
- 732(13)G Other military passenger cars, busses, trucks, truck chassis, truck tractors, and special-purpose vehicles; and parts and accessories, n.e.c.
- 732(14)G Other nonmilitary busses, trucks, truck chassis, truck tractors, and special-purpose vehicles having front and rear axle drive; and parts and accessories, n.e.c.
- 732(15)G Other nonmilitary trucks, truck chassis, truck tractors, and special-purpose vehicles; and parts and accessories, n.e.c.
- 732(10)G Truck-mounted rotary drill rigs incorporating rotary tables with drawworks designed for an input of 900 horsepower and over; and parts and accessories, n.e.c.
- 732(11)G Other off-highway trucks and trailers (including logging trailers), having an axle load rating of 47,500 pounds or more for any one axle assembly (whether the axle assembly consists of one or two axles); and parts and accessories, n.e.c.
- 733(3)G Other commercial trailers; and parts, n.e.c.
- 733(3)G Other nonmilitary commercial trailers; and parts, n.e.c.
- 8619(21)G Comparators; dividers; gear checkers (comparators); and other machinists' precision measuring tools, *except gear testers*; and parts, n.e.c.
- 8619(22)G Test, measuring, and checking instruments, appliances, and machines for aircraft systems and components, n.e.c.; and parts, n.e.c.
- 8619(48)G Other amplifiers designed for use in nuclear measurements; and parts, n.e.c.
- 8619(8)A Other aircraft flight and navigation instruments, *except types in normal civil use*; and specially designed parts and accessories, n.e.c.
- 8619(9)G Other aircraft flight and navigation instruments, n.e.c.; and parts and accessories, n.e.c.
- 8619(12)G Marine and navigation equipment, as follows: automatic pilots, magnetic compasses, rudder position indicators, speed indicators and recorders, and taffrail logs; and parts, n.e.c.
- 894(1)G Nonmilitary shotguns, barrel length 18 inches or over; and parts, n.e.c.*
- 897(1a)G Platinum-clad molybdenum tubing containing more than 99.5 percent up to and including 99.9 percent molybdenum, and platinum-clad molybdenum alloy tubing containing more than 95 percent but 97.5 percent or less molybdenum.
- 897(2)G Other platinum-clad molybdenum tubing.
- 899(5)G Other nonmilitary aircraft ground handling equipment, ground installed arresting systems, flight simulators, ground flying trainers, and other related equipment, n.e.c.; and parts and accessories, n.e.c.
- 55(1)G Surface-active agents, *except Aquarex®; Areskop 50 and 100; Arlace®; Avitec®; BCO; Igopal®; CO-403, CO-530, and CO-850; Morpheet Z®; Neutronyx 300 and 834; NSAE Powder; Sapamine MS and WL®; Sequestrene® A, AA, and NA-2; Span; and Tween*.
- 7192(29)G Oil and gas separating, filtering, and purifying equipment (for example, flow splitters, separators, treaters, desalters, dehydrators, scrubbers, absorbers, LACT units, water knockout, etc.); and parts, n.e.c.
- 7193(2)G Oil and gas field lifting equipment, n.e.c., *except oilfield derricks, platforms, and substructures and parts, n.e.c.*

2. The following commodities were removed from validated license in the past six years for export to Eastern Europe and the People's Republic of China and also to Free-world destinations, including Portugal and South Africa:

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- 51460 Potassium fluoroborates; and sodium fluoroborates.
- 51470 Cyanogen chloride.
- 51470 Hydrogen peroxide, concentrations of 66% up to but not including 85%.
- 51470 Certain compounds, n.e.c., of tantalum, niobium (columbium), or tantalum-niobium.
- 68941 Certain tungsten or tungsten alloys, wrought or unwrought.
- 69899 Certain tungsten or tungsten alloy castings and forgings.
- 71510 Portable pipe bending machines capable of bending pipe of 16 inch diameter and over.
- 71980 Cartridge hand-loading machines; and parts and accessories, n.e.c.

*Requires a validated license for South Africa.

- 72310 Certain insulated niobium (columbium) alloy or tungsten or tungsten alloy wire.
- 72952 Certain cathode ray oscilloscopes (oscillographs) having (a) an amplifier bandwidth greater than 5 MHz, (b) a time base less than 50 nano-seconds per centimeter, (c) employing accelerating potentials in excess of 5 kilovolts, (d) containing or designed for use of three or more cathode ray tubes or a cathode ray tube with three or more electron guns, (e) including any device which increases the capabilities of the oscilloscope to enable it to meet specifications (a) or (b) above, or (f) incorporating a calibrated variable sweep delay with an incremental accuracy (measured at the 90 percent delay point) of better than 3 percent; and certain electronic devices for stroboscopic analysis of a signal, whether subassemblies or separate units, designed to be used in conjunction with an oscilloscope to permit the analysis of recurring phenomena which increase the capabilities of an oscilloscope to permit (a) the achieving in an oscilloscope of a time-base shorter than 30 nano-seconds per centimeter, or (b) the measurement above 15 up to and including 30 MHz.

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- 71913 Oil and gas burners for continuous combustion controlled reaction type carbon black furnaces; and parts and attachments, n.e.c.
- 71914 Carbon black furnaces, continuous combustion, controlled reaction type; and parts and attachments, n.e.c.
- 54199 Pharmaceutical goods wholly made of certain fluorocarbon polymers or copolymers.
- 64298 Pressure sensitive paper or paperboard type coated or impregnated with fluorocarbon polymers or copolymers.
- 65403 Trimmings wholly made of certain fluorocarbon polymers or copolymers.
- 65510 Felts and felt articles, as follows: (a) wholly made of certain fluorocarbon polymers or copolymers or (b) coated or impregnated with fluorocarbon polymers or copolymers.
- 65545 Textile base rubberized insulating tape and pressure sensitive tape coated or impregnated with fluorocarbon polymers or copolymers.
- 65561 Cordage, cable, rope, and twine, plaited or not, wholly made of certain fluorocarbon polymers or copolymers.
- 65564 Manufactures, n.e.c., of cordage, cable, rope, and twine, including net products and shoelaces, wholly made of certain fluorocarbon polymers or copolymers.
- 65692 Made-up textile articles, n.e.c., wholly made of certain fluorocarbon polymers or copolymers.

NOVEMBER 1-DECEMBER 31, 1970

- 71420 Certain analog computers, n.e.c.
- 71420 Certain digital computers, n.e.c.
- 71492 Parts and accessories, n.e.c., for electronic computers listed under entry No. 71420 (3) or (6).
- 72952 Instruments designed for testing ball-and-disk or cylinder-and-ball mechanical integrators, and mechanical ball resolvers.
- 86191 Ball-and-disk or cylinder-and-ball mechanical integrators; and mechanical ball resolvers; and specially designed parts and accessories, n.e.c.
- 86193 Ball-and-disk or cylinder-and-ball mechanical integrators; and mechanical ball resolvers; and specially designed parts and accessories, n.e.c.

JANUARY 1-MARCH 31, 1971

- 712 Nonmilitary type tracklaying tractors, 135 horsepower and over; and other nonmilitary type contractors' off-highway wheel tractors, 135 horsepower and over.
- 712 Certain wheel tractors, 125 power takeoff horsepower or over.
- 718 Nonmilitary type scrapers, dig-carry-haul type, over 11 cubic yard struck capacity; and parts, accessories, and attachments, n.e.c.
- 7193 Nonmilitary type integral tractor-shovel loaders, 135 horsepower and over; and parts and attachments, n.e.c.
- 7193 Nonmilitary type industrial tractors and lift tracks powered by internal combustion engine, 135 horsepower and over; and parts and accessories, n.e.c.
- 732 Parts and accessories, n.e.c., for wheel tractors of 125 power takeoff horsepower or over, *except contractor's off-highway tractors*.

- 732 Parts and accessories, n.e.c. for nonmilitary type tractors and off-the-road vehicles as follows: (a) off-highway wheel tractors of 135 horsepower or over, and (b) tracklaying tractors of 135 horsepower or over.
- 732 Parts, n.e.c., for nonmilitary truck carriers, for mounting excavator power cranes and shovels, nonmilitary, full revolving, over 1 cubic yard dipper capacity or over 30 tons crane lifting capacity.
- 734 Constant speed propellers; and parts, n.e.c.

APRIL 1-JUNE 30, 1971

- 23 Certain alkyl polysulfide liquid polymers.
- 24 Walnut sawlogs, veneer logs, and bolts, in the rough, or roughly squared, quartered, or halved.
- 24 Walnut lumber, rough-sawn, or dressed, patterned, planed, tongued, grooved, or otherwise surface-worked, $2\frac{1}{2}$ inches or over in thickness and 2 feet or over in length.
- 514 Master alloys of copper containing 8 percent or more phosphor.
- 57 Parts for certain hunting and sporting ammunition, any caliber, *except cartridge cases, powder bags, bullets, jackets, cores, cartridge shells, projectiles, boosters, fuses and components therefor, primers, and other detonating devices.*
- 581 Polyethylene terephthalate film, as follows: (a) tensilized and metallized with thickness of 0.00035 inch (0.009 mm.) and greater.
- 63 Special and face type walnut veneers.
- 664 Certain nonflexible fused fiber optic plates or bundles in which the fiber pitch (center to center spacing) is less than 30 microns.¹
- 672 Certain ingots, blanks for tubes and pipes, blooms, billets, slabs, sheet bars, and roughly forged pieces, alloy steel (including stainless), as follows: (a) containing 6 percent or more cobalt, (b) AISI type 309-S-Cb-Ta, or (c) containing a total of 35 percent or more of alloying elements.
- 678 Certain tubes and pipes, nickel-bearing stainless steel, as follows: (a) AISI type 309-S-Cb-Ta, or (b) containing a total of 35 percent or more of alloying elements.
- 682 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
- 682 Plates, sheets, and strips (including perforated) of copper or copper-base alloy.
- 682 Copper or copper alloy foil, including paper-backed.
- 682 Copper or copper alloy powders and flakes.
- 682 Certain tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
- 682 Certain tube fittings and pipe fittings of copper or copper-base alloy.¹
- 683 Unwrought alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content; and bars, rods, angles, shapes, sections, wire, plates, sheets, strips, powders, flakes, foil, hollow bars, tubes, pipes, blanks, and fittings, made therefrom.
- 693 Wire cable, rope, plaited bands, slings, and similar articles, copper or copper alloys.
- 6988 Copper or copper alloy welding and soldering rods and wire, including tubes and plates for welding and soldering.
- 6988 Nickel or nickel alloy welding and soldering rods, wires, tubes, plates, and electrodes, composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content.
- 6989 Copper or copper-base alloy castings and forgings.
- 6989 Copper or copper-base alloy articles, as follows: (a) fabricated anodes, and (b) cores (mold inserts).
- 723 Certain copper or copper alloy insulated wire and cable.
- 723 Insulated nickel wire of alloys composed of 50 percent or more copper, and alloys of chief weight copper, irrespective of nickel content.
- 8611 Certain nonflexible fused fiber optic plates or bundles, optically worked, in which the fiber pitch (center to center spacing) is less than 30 microns.
- 89300 Certain nonflexible fused fiber optic plates or bundles.
- 732 Truck-mounted rotary drill rigs incorporating rotary tables with draw-works designed for an input of 150 horsepower up to but not including 900 horsepower; and parts and accessories, n.e.c.

JULY 1-SEPTEMBER 30, 1971

- 7152 Certain rolling mills (a) having automatic work roll adjustment controls for tapering or contouring lengthwise of workpiece; (b) with multiple work

rolls rotating in a planetary form around the backup rolls (for example, Senizmir hot mills); (c) more than three rolls high (including dual purpose mills for two- or four-high operation), which achieve special lateral and/or longitudinal contour control by one or more of the following methods or means: (1) incorporating closed loop electronic continuous gauge controls, (2) by use of control tensiometers for measuring and automatically maintaining appropriate adjustment of tension of metal being rolled, or (3) any other features for achieving special lateral and/or longitudinal contour controls comparable to (1) or (2) above; and (d) other continuous cold sheet and strip mills of more than three-high roll stands; and parts and accessories n.e.c.

72930 Certain TR and anti-TR tubes, n.e.c.; and parts and accessories, n.e.c.¹

7295 Voltmeters, with a full scale sensitivity of 10 nanovolts or less.

57 Oil well bullets; and jet perforators (shaped charges).

711 Internal combustion aircraft engines; and other parts and accessories, n.e.c.

711 Hydraulic motors specially designed for aircraft; and parts, n.e.c.

7152 Certain plate rolling mills; and certain continuous four-high hot strip and sheet mills; and parts and accessories, n.e.c.

734 Nonmilitary airships; nonexpansive balloons less than 3,000 cubic feet capacity; and nonexpansive balloons in normal sporting use, 3,000 cubic feet capacity or over; and parts and accessories, n.e.c.

OCTOBER 1-DECEMBER 31, 1971

3 Cylinder bright stock, including bright stock and industrial lubricating oils which are predominantly bright stock *and* have a Saybolt Universal viscosity at 210° F. (98.8° C.) of 95 seconds or more.

62 Used aircraft tires not suitable for recapping for aircraft use, and aircraft tire inner tubes.

682 Master alloys of copper.

72930 Certain photomultiplier tubes having an anode pulse rise time of 1 to 2 nanoseconds; and parts and accessories, n.e.c.¹

718 Drift indicators, *except those containing gyroscopes or cameras*; and parts, accessories, and attachments, n.e.c.

JANUARY 1-MARCH 31, 1972

28. Iron and steel scrap containing 20 percent (by weight) or more copper, including scrap melted into crude forms.

28 Copper ores and concentrates.

28 Copper matte.

28 Copper bearing ash and residues.

28 Copper or copper-base alloy waste and scrap.

28 Nickel alloy waste and scrap containing 50 percent or more copper irrespective of nickel content.

671 Certain ferrozirconium containing more than 50 percent zirconium.

682 Blister copper and other unrefined copper.

682 Refined copper fragments (made by chopping, shredding, or otherwise fragmenting copper wire, tubing, etc.) and unwrought forms of refined copper derived from such copper fragments.

682 Certain refined copper, including remelted, in cathodes, billets, ingots, wire bars, and other crude forms.

682 Copper-base alloy ingots.

6895 Certain zirconium or zirconium alloys containing more than 50 percent zirconium, wrought or unwrought, and waste and scrap.¹

6988 Castings and forgings, as follows: (a) germanium metal having a resistivity of 50 ohms centimeter or greater, (b) polonium metal, or (c) rhenium or rhenium alloy.

6989 Certain zirconium or zirconium alloys, as follows: (a) castings and forgings containing more than 50 percent zirconium, and (b) certain articles, n.e.c., wholly made of zirconium or zirconium alloys.

72930 Accessories, n.e.c., for integrated circuits.

APRIL 1-JUNE 30, 1972

514 Certain lithium compounds.

72970G Certain other neutron generators employing the electrostatic acceleration of ions; and parts, n.e.c.

862 Photographic film and plates, including metal-clad, sensitized, unexposed, capable of a resolution (when measured with a 1,000:1 high contrast test object) of 500 to 800 line pairs/mm.

JULY 1-SEPTEMBER 30, 1972

7295 Certain mass spectrographs and mass spectrometers, *except mass spectrometer type leak detectors*.

7295 Electronic closed loop feedback line tracer control systems capable of controlling machines used in the cutting of materials to tolerances equal to, or coarser than, plus or minus .001 inch.

72970 Electron linear accelerators specially designed for cancer radiotherapy, capable of imparting energies of less than 40,000,000 electron volts, rated for peak beam power of less than 10 megawatts; and parts and accessories, n.e.c.

8619 Certain mass spectrographs and mass spectrometers, *except mass spectrometer-type leak detectors*; and parts, n.e.c.

OCTOBER 1-DECEMBER 31, 1972

26 Staple, not carded or combed, and continuous filament tow, wholly made of certain fluorocarbon polymers or copolymers.

27 Magnesium oxide, purity 97 percent or higher, except precipitated.

28 Iron and steel scrap containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

28 Magnesium alloy scrap containing 0.4 percent or more zirconium.

3 Synthetic lubricants which contain as the principal ingredient esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids.

3 Chlorinated silicone fluids containing chlorine as the only halogen atom.

512 Diethylene triamine, purity 96 percent or higher.

512 Carbonyl chloride (phosgene); and trichloromethyl chloroformate (diphosgene).

513 Certain monocrystalline silicon; and silicon, 99.99 percent purity or higher.

513 Certain monocrystalline and polycrystalline forms of the following metals: (a) niobium (colombium); and (b) titanium having a Brinell Hardness Number (BHN) of 90 and above.

513 Magnesium oxide, precipitated or produced by electric arc, purity 97 percent or higher.

514 Boron trifluoride and its complexes; and cubic boron nitride.

54 Pharmaceutical goods wholly made of certain fluorocarbon polymers or copolymers.

581 Polyethylene terephthalate film and polypropylene film (including metalized) not exceeding 0.0010 inch (0.0254 mm.) in thickness and suitable for dielectric use in capacitors or condensers; and other polycarbonate film.

581 Products wholly made of certain fluorocarbon polymers or copolymers.

581 Nondispersion grades of polytetrafluoroethylene and products wholly made thereof.

59 Hydraulic fluids formulated wholly or in part with chlorinated silicones.

651 Monofil, filament yarn, and thread of filament yarn wholly made of certain fluorocarbon polymers or copolymers.

653 Broad woven fabric wholly made of certain fluorocarbon polymers or copolymers.

654 Narrow woven fabric and trimming wholly made of certain fluorocarbon polymers or copolymers.

655 Textile fabrics and articles, n.e.c., wholly made of certain fluorocarbon polymers or copolymers.

656 Bags, sacks, and made-up textile articles, n.e.c., wholly made of fluorocarbon polymers or copolymers.

664 Lens blanks and optical glass, not optically worked, of polycrystalline silicon of a purity of 99.99 percent or more; and of monocrystalline silicon.

667 Quartz crystals, natural or synthetic unworked or worked, not mounted, as follows: (a) designed for use as filters, which do not use the trapped energy phenomenon and which are not designed for operation over a temperature range wider than 120° C.; or (b) designed for use as oscillators and (i) designed for operation over a temperature range wider than 100° C. whose upper limit is

above 85° C., but not over a temperature range wider than 160° C., and (ii) having a frequency stability of plus or minus 0.003 percent or better, but poorer than 0.005 percent, over the rated temperature range.

671 Ferroboreon.

672 Ingots, blanks for tubes and pipes, coils for rerolling, blooms, billets, slabs, sheet bars, and roughly forged pieces, alloy steel (including stainless), containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

673 Bars, rods, angles, shapes, and sections, alloy steel, containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

674 Plates and sheets, alloy steel, coated or uncoated, containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

675 Hoop and strip, alloy steel, containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

677 Wire, alloy steel, containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

678 Tubes and pipes, alloy steel, containing (a) 1.5 percent or more niobium and/or tantalum, (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

679 Casting and forgings, alloy steel, containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content of more than 1.5 percent.

683 Nickel alloys, unwrought, containing 5 percent or more boron, and bars, rods, angles, shapes, sections, wire, plates, sheets, strips, powders, flakes, foil, hollow bars, tubes, pipes, blanks, and fittings made therefrom.

683 Nickel alloys, unwrought, and bars, rods, angles, shapes, sections, wire, plates, sheets, strips, powders, flakes, foil, hollow bars, tubes, pipes, blanks, and fittings containing: (a) 50 percent or more but not less than 60 percent niobium (columbium); or (b) magnesium with 0.4 percent or more zirconium.

683 Nickel alloy electroplating anodes containing 5 percent or more boron.

684 Aluminum alloy ingots and other unwrought forms, and aluminum alloy bars, rods, angles, shapes, sections, bare wire, plates, sheets, foil, leaf, powder, flakes, tubes, pipes, tube blooms, and tube and pipe fittings, containing 5 percent or more boron.

6893 Magnesium base alloys, unwrought or wrought, containing: (a) 0.4 percent or more zirconium, or (b) 5 percent or more boron.

6894 Tungsten metal of less than 99.9 percent purity, press-sintered, crude and semi-fabricated forms, as follows: (a) weighing over 20 pounds; and (b) porous (including forms partially or completely infiltrated with other metals), weighing over 15 pounds before infiltration or over 20 pounds after infiltration.

6895 Boron alloys, n.e.c., containing 5 percent or more boron, wrought or unwrought.

6895 Niobium (columbium) metal and niobium alloys containing 50 percent or more but less than 60 percent niobium, wrought or unwrought, and waste and scrap.

6895 Silicon, purity 99.99 percent or higher, and monocrystalline silicon, wrought.

6895 Titanium metal and titanium alloys, wrought or unwrought, and waste and scrap, as follows: (a) having a BHN of 90 and above; (b) 6 percent aluminum, 4 percent vanadium and the balance titanium; (c) 5 percent alumi-

- num, 2.5 percent tin, and the balance titanium; (d) up to 0.3 percent palladium and the balance titanium; (e) ferro-titanium containing less than 80 percent titanium and more than 10 percent iron; (f) 2.5 percent copper and the balance titanium; (g) 4 percent aluminum, 4 percent molybdenum, 2 percent tin, 0.5 percent silicon and the balance titanium; (h) 5.4 percent aluminum, 1.4 percent chromium, 1.3 percent iron, 1.25 percent molybdenum and the balance titanium; (i) 8 percent aluminum, 1 percent molybdenum, 1 percent vanadium and the balance titanium; (j) 4 percent aluminum, 3 percent molybdenum, 1 percent vanadium and the balance titanium; (k) 2 percent chromium, 2 percent iron, 2 percent molybdenum and the balance titanium; and (l) 5 percent chromium, 3 percent aluminum and the balance titanium.
- 692 Certain containers, filled or unfilled, jacketed only, for the storage or transportation or liquefied gases at temperatures below minus 274° F. (minus 170° C.), including mobile units, specially designed for (a) liquid oxygen, nitrogen, or argon; or (b) liquefied gases boiling at temperatures below minus 328° F. (minus 200° C.) with multi-laminar type insulation under vacuum *and* having a liquid capacity of 250 gallons (946 liters) or less *or* an evaporation loss rate of 3 percent per day or more as determined at an ambient temperature of 75° F. (24° C.) without exposure to direct sunlight.
- 6988 Welding rods and wires, alloy steel, containing (a) 1.5 percent or more niobium and/or tantalum, or (b) 10 percent or more molybdenum (but not more than 5 percent molybdenum in any alloy containing more than 14 percent chromium) when obtained by smelting and having a carbon content or more than 1.5 percent.
- 6989 Containers, jacketed only, for the storage of liquefied gases at temperatures below minus 274° F. (minus 170° C.), specially designed for (a) liquid oxygen, nitrogen, or argon, or (b) liquefied gases boiling at temperatures below minus 328° F. (minus 200° C.) with a capacity of less than 80 gallons.
- 6989 Castings and forgings of nonferrous base metals containing 5 percent or more boron.
- 6989 Castings and forgings of the following (a) magnesium alloy containing 0.4 percent or more zirconium; or (b) titanium alloy containing: (i) 6 percent aluminum, 4 percent vanadium and the balance titanium; (ii) 5 percent aluminum, 2.5 percent tin, and the balance titanium; (iii) up to 0.3 percent palladium and the balance titanium; (iv) ferro-titanium containing less than 80 percent titanium and more than 10 percent iron; (v) 2.5 percent copper and the balance titanium; (vi) 4 percent aluminum, 4 percent molybdenum, 2 percent tin, 0.5 percent silicon and the balance titanium; (vii) 5.4 percent aluminum, 1.4 percent chromium, 1.3 percent iron, 1.25 percent molybdenum and the balance titanium; (viii) 8 percent aluminum, 1 percent molybdenum, 1 percent vanadium and the balance titanium; (ix) 4 percent aluminum, 3 percent molybdenum, 1 percent vanadium and the balance titanium; (x) 2 percent chromium, 2 percent iron, 2 percent molybdenum and the balance titanium; (xi) 5 percent chromium, 3 percent aluminum and the balance titanium.
- 6989 Niobium (columbium) or niobium alloy castings, forgings, wire, and cable containing 50 percent or more but less than 60 percent niobium.
- 6989 Tungsten metal, less than 99.9 percent purity, press-sintered, castings and forgings, as follows: (a) weighing over 20 pounds; and (b) porous (including porous forms partially or completely infiltrated with other metals), weighing over 15 pounds before infiltration or over 20 pounds after infiltration.
- 6989 Certain monocrystalline silicon; and polycrystalline silicon, purity 99.99 percent or higher.
- 6989 Certain electrical components and conductors, n.e.c., specially designed for operation at ambient temperatures below minus 170° C.
- 7114 Parts, n.e.c., wholly made of certain fluorocarbon polymers or copolymers.
- 71510 Tracer controlled machine tools, as follows: (a) milling and boring machines with an accuracy of plus or minus 0.001 inch (0.025 mm.) and a repeatability of 0.0005 inch (0.0125 mm.) or better and (b) lathes with an accuracy of plus or minus 0.0004 inch (0.01 mm.) and a repeatability of plus or minus 0.0002 inch (0.005 mm.) or better.
- 71510 Jig boring and/or jig grinding machines with accuracies better than plus or minus 0.00012 inches (0.003 mm.)
- 71510 Certain spin-forming and flow-forming machines, n.e.c.
- 7191 Cryogenic refrigeration equipment specially designed for maintaining ambient temperatures below minus 170° C. *and* designed to maintain operating

- temperatures for electrical, magnetic, or electronic equipment or components; and parts, n.e.c.
- 7191 Certain cryogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for the storage or transportation of liquefied gases at temperatures below minus 274° F. (minus 170° C.), including mobile units, specially designed for (a) liquid oxygen, nitrogen, or argon; (b) liquefied gases boiling at temperatures below minus 328° F. (minus 200° C.) with multilaminar type insulation under vacuum and having a liquid capacity of 250 gallons (946 liters) or less or an evaporation loss rate of 3 percent per day or more as determined at ambient temperature of 75° F. (24° C.) without exposure to direct sunlight.
- 7191 Environmental chambers capable of pressures between 10^{-4} Torr and 26 Torr, for treating materials by a process involving a change in temperature; and parts and accessories, n.e.c.
- 7191 Certain equipment for the fractional separation of air into its various components, except helium, which has been specially designed for the withdrawal of liquid end products to the total amount of 60 tons or more per 24-hour day, provided that the withdrawal of liquid oxygen or nitrogen exceeds 50 tons per 24-hour day; and parts, n.e.c.
- 7191 Certain equipment specially designed for the production in liquid form of air, oxygen, nitrogen, and/or argon and producing one ton or more per day of gas in liquid form; and parts, n.e.c.¹
- 7191 Certain liquid oxygen or liquid nitrogen production equipment, mobile; and parts, n.e.c.
- 7191 Certain equipment for the production of liquid helium with piston-expansion machines having a capacity of between 20 but no more than 50 liters per hour; and parts, n.e.c.
- 7192 Pump parts and attachments wholly made of certain fluorocarbon polymers or copolymers.
- 7192 Industrial pumps having *all* flow-contact surfaces *made of* polytetrafluoroethylene or the copolymers of tetrafluoroethylene and hexafluoropropylene; and parts and attachments, n.e.c.
- 7192 Certain industrial pumps having *all* flow-contact surfaces *made of* polychlorotrifluoroethylene; and parts and attachments, n.e.c.
- 7192 Pumps specially designed for operation at temperatures from below minus 274° F. to minus 328° F.; parts and attachments, n.e.c.
- 7195 Parts, accessories, and attachments specially designed for electron beam machines.
- 7196 Are plasma devices, n.e.c., for generating a flow of ionized gas in which the arc column is constructed, of more than 80 but less than 100 kilowatts for cutting, welding, plating, and/or spraying; equipment incorporating such devices; and parts, accessories, and controls, n.e.c.
- 71980 Environmental chambers capable of pressures between 10^{-4} Torr and 26 Torr, including those which also have a capability of simulating other constant environments, such as radiation and temperature; and parts and accessories, n.e.c.
- 71980 Automatic wave and reflow type soldering equipment; and parts and accessories, n.e.c.
- 7199 Valve parts and accessories wholly made of certain fluorocarbon polymers or copolymers.
- 7199 Valves, cocks, or pressure regulators (a) specially designed to operate at temperatures from below minus 274° F. to minus 328° F. or (b) with *all* flow contact surfaces *made of or lined with* polytetrafluoroethylene, or copolymers of tetrafluoroethylene and hexafluoropropylene; and parts, n.e.c.
- 7199 Certain valves, cocks, or pressure regulators with *all* flow contact surfaces *made of or lined with* polychlorotrifluoroethylene; and parts, n.e.c.¹
- 7199 Certain valves, cocks, or pressure regulators of 2-inch diameter (50.8 mm.) or less specially designed for operation at temperatures from minus 274° F. to minus 328° F.; and parts, n.e.c.
- 7199 Plain bearings wholly made of certain fluorocarbon polymers or copolymers.
- 722 Pulse transformers specially designed for modulators capable of providing electrical impulses of peak power exceeding 200 kilowatts but not exceeding 2.4 megawatts; parts, n.e.c.
- 722 Power supplies and magnet controllers specially designed for use with cryogenic equipment capable of operating at ambient temperatures below minus 170° C.

- 723 Insulated niobium (columbium) or niobium alloy wire containing 50 percent or more but less than 60 percent niobium.
- 723 Electrical insulators and fittings wholly made of certain fluorocarbon polymers or copolymers.
- 724 Certain transmitters or transceivers having any of the following characteristics: (a) more than 20 channels; (b) special facilities for interconnection with land line telephone circuits or switchboards; (c) amplitude-modulated radio-telephone equipment used for search and rescue work operating on a frequency of 243 MHz with a carrier power of 100 milliwatts or less; or (d) designed to operate at output carrier frequencies between 108 and 156 or from 223 up to an including 235 MHz; and parts and accessories, n.e.c.
- 724 Pulse modulator capable of providing electric impulses of peak power exceeding 200 kilowatts but not exceeding 2.4 megawatts; and parts and accessories, n.e.c.
- 724 Tuned amplifiers specially designed for use in radio communications equipment in the HF band below 30 MHz.
- 724 Electronic telecommunications equipment, navigation aids, and search and detection apparatus, including radar, n.e.c., specially designed for operation at ambient temperatures below minus 170°C.; and accessories, subassemblies, parts, or components, n.e.c.
- 724 Directional couplers having a bandwidth ratio greater than 1.5 to 1 and directivity over the band of at least 15 but less than 20 decibels.
- 7291 Fuel cells, n.e.c., operating at temperatures above 200°C.; and parts, n.e.c.
- 72930 Cathode ray tubes, n.e.c., as follows: (a) with a resolving power of 500 or more lines per inch but less than 800 lines per inch, or (b) with writing speed of more than 3,000 kilometers per second but not exceeding 15,000 kilometers per second; and parts and accessories, n.e.c.
- 72930 Certain television camera tubes; and parts and accessories, n.e.c.
- 72930 TR and Anti-TR tubes designed for use in waveguides, which are in normal civil use in ground or marine radar, and which operate at (a) a peak power exceeding 160 kilowatts but not exceeding 1.2 megawatts and at a frequency of 3.5 GHz or less, or (b) a peak power exceeding 160 kilowatts but not exceeding 200 kilowatts and at a frequency in the range of 3.5 GHz to kilometers per second; and parts and accessories, n.e.c.
- 72930 Hydrogen thyratrons rated for a peak pulse power output of less than 12.5 megawatts: (a) rated for a peak pulse power output of 2 megawatts or more, and (b) of metal-ceramic construction; and parts and accessories, n.e.c.
- 72930 Phototransistors and photoconductive cells (including photodiodes), n.e.c., with a response time constant of more than 0.5 microseconds but not more than 1 millisecond, measured at the operating temperature of the cell for which the time constant reaches a minimum; and parts and accessories, n.e.c.
- 72930 Certain semiconductor diodes and thyristors, n.e.c., as follows: (a) having a bulk material other than silicon or germanium, including non-coherent visible spectrum light emitting diodes; (b) point contact mixer and detector diodes designed or rated for use at frequencies above 1 GHz but not above 12.5 GHz; (c) other mixer and detector diodes designed or rated for use of frequencies exceeding 300 MHz but not exceeding 1 GHz; (d) other voltage variable capacitance diodes having a series inductance greater than 1 but not greater than 3 nanohenries; (e) fast recovery diodes having a rated forward rectified current of 1 ampere or less and a rated maximum reverse recovery time of less than 30 nanoseconds but not less than 2 nanoseconds; and (f) other thyristors having (i) a rated turn-off time of from 3 to less than 6 microseconds and a figure of merit of 1 or less, or (ii) a rated turn-off time of from 6 to 10 microseconds and a figure of merit of 10 or less; and parts and accessories, n.e.c.
- 72930 Transistors, n.e.c., as follows: (a) germanium types with a product of the average f_T in MHz and the maximum collector dissipation in watts of 1,000 or less, and having either (i) an average f_T of 40 to 240 MHz and designed to have a maximum collector dissipation greater than 150 milliwatts, or (ii) an average f_T greater than 240 MHz but not greater than 1,000 MHz; (b) silicon types with a product of the average f_T in MHz and the maximum collector dissipation in watts of 350 or less, and having any of the following characteristics: (i) an average f_T of up to 500 KHz and designed to have a maximum collector dissipation greater than 5 watts, (ii) an average f_T from greater than 500 KHz to 3 MHz and designed to have a maximum col-

- lector dissipation greater than 500 milliwatts, (iii) an average f_T from greater than 3 MHz to 20 MHz and designed to have a maximum collector dissipation greater than 250 milliwatts, (iv) an average f_T greater than 20 MHz but not greater than 700 MHz, or (v) a modulus of the current gain in the common emitter configuration of 10 or more for collector currents of 100 microamperes or less; and parts and accessories, n.e.c.
- 72930 Solid state semiconductor devices specially designed for operation at ambient temperatures below minus 170°C.; and parts and accessories, n.e.c.
- 72930 Quartz crystals and assemblies thereof, mounted, as follows: (a) designed for use as filters, which do not use the trapped energy phenomenon and which are not designed for operation over a temperature range wider than 120° C.; or (b) designed for use as oscillators and (i) designed for operation over a temperature range wider than 100°C. whose upper limit is above 85° C., but not over a temperature range wider than 160° C., and (ii) having a frequency stability of plus or minus 0.003 percent or better, but poorer than 0.0005 percent, over the rated temperature range, or (iii) capable of being passed through a circular hole with a diameter of 0.42 inches but not through one with a diameter of 0.39 inches.
- 7295 Oscilloscopes, associated plug-ins, and external amplifiers and preamplifiers having *any* of the following characteristics: (a) an amplifier bandwidth greater than 30 MHz but not greater than 75 MHz; or (b) containing or designed for the use of cathode ray memory tubes when bandwidth not greater than 75 MHz.
- 7295 Electronic devices for stroboscopic analysis of a signal (i.e., sampling devices), designed to be used in conjunction with an oscilloscope to permit the analysis of recurring phenomena, which increase the capabilities of an oscilloscope to permit measurements greater than 30 MHz but not greater than 75 MHz.
- 7295 Radio spectrum at frequencies designed to operate at frequencies over 300 MHz up to 1,000 MHz and using interchangeable heads *and* incorporating integral sweep facilities.
- 7295 Certain instruments, n.e.c., as follows: (a) designed for use at frequencies exceeding 1 GHz but not exceeding 12.5 GHz and excepted from No. 7295(5) (d); (b) designed for use at frequencies exceeding 1 GHz but not exceeding 3 GHz except phase meters, impedance meters, instruments for automatically measuring equivalent circuit parameters over a range of frequencies, and those incorporating active circuit components; (c) counting equipment capable of resolving at normal input levels signals with less than 0.1 to 5 nanoseconds time difference; and (d) time interval measuring equipment containing counting equipment or capable of measuring time intervals as specified in part (c) above.
- 7295 Certain digital volmeters, n.e.c.
- 7295 Certain nuclear radiation detection and measuring instruments and apparatus specially designed for operation at ambient temperatures below minus 170° C.
- 7295 Mass spectrographs and mass spectrometers, as follows: (a) all multifocus types (including double focus, tandem and cycloidal); or (b) single focus types possessing a radius of curvature of 5 inches or more.
- 7295 Certain research laboratory cryogenic instruments and apparatus for measuring, analyzing, indicating, recording, or testing electric or electronic quantities or characteristics, n.e.c., specially designed for operation at ambient temperatures below minus 170° C.
- 7295 Instruments and devices capable of automatically measuring the speed of sound *in situ*, in water, and rated for differential sensitivity measurements of 1 part in 5,000 parts or better and equipment containing such instruments or devices.
- 7295 Certain magnetometers, including geophysical, having *any* of the following characteristics: (a) a response time of less than 2 microseconds, or (b) flux-gate or paramagnetic types.
- 7295 Certain proton magnetometers, n.e.c.
- 7295 Control instruments specially designed for environmental chambers capable of pressures between 10⁻⁴ Torr and 26 Torr, including those which also have a capability of simulating other environments, such as radiation and temperature.
- 7299 Electron beam vacuum furnaces; and parts, accessories, and attachments, n.e.c.

- 7299 Electric arc devices, n.e.c., for generating a flow of ionized gas in which the arc column is constructed, of more than 80 but less than 100 kilowatts for cutting, welding, plating, and/or spraying; equipment incorporating such devices; and parts, accessories, and controls, n.e.c.
- 7299 Electron beam welders; and parts, accessories, and attachments, n.e.c.
- 7299 Quartz crystals and assemblies thereof, mounted, for use as oscillators *and* (a) designed for operation over a temperature range wider than 100°C . whose upper limit is above 85°C . but not over a temperature range wider than 160°C .; (b) having a frequency stability of plus or minus 0.003 percent or better but poorer than 0.0005 percent, over the rated temperature range, or (c) capable of being passed through a circular hole with a diameter of 0.42 inches but not through one with a diameter of 0.39 inches.
- 7299 Tantalum and niobium electrolytic capacitors, sintered and foil types, n.e.c., which are not designed to operate permanently at temperatures exceeding 85°C . without derating; and parts, n.e.c.
- 7299 Certain signal generators, n.e.c., as follows: (a) mechanically or electromechanically tuned signal generators, noise sources, and non-programmable sweep generators designed for use at frequencies exceeding 1 GHz but not exceeding 25.5 GHz; (b) frequency synthesizers, n.e.c.; and (c) non-programmable signal generators designed for use at frequencies exceeding 1 GHz but not exceeding 3 GHz.
- 731 Certain containers, jacketed only, suitable for transport by rail, radio, and ship, and railway cars equipped with such jacketed containers for the transportation of liquefied gases at temperatures below minus 274°F . (minus 170°C .), specially designed for (a) liquid oxygen, nitrogen, or argon; or (b) liquefied gases boiling at temperatures below minus 328°F . (minus 200°C .) with multi-laminar type insulation under vacuum *and* having a liquid capacity of 250 gallons (946 liters) *or* less or an evaporation loss rate of 3 percent per day or more as determined at an ambient temperature of 75°F . (24°C .) without exposure to direct sunlight.
- 732 Vehicles and truck bodies equipped for certain containers, jacketed only, suitable for transport by rail, road and ship, and railway cars equipped with such jacketed containers for the transportation of liquefied gases at temperatures below minus 274°F . (minus 170°C .), specially designed for (a) liquid oxygen, nitrogen, or argon; or (b) liquefied gases boiling at temperatures below minus 328°F . (minus 200°C .) with multi-laminar type insulation under vacuum and having a liquid capacity of 250 gallons (946 liters) as less or an evaporation loss rate of 3 percent per day or more as determined at an ambient temperature of 75°F . (24°C .) without exposure to direct sunlight; and parts and accessories, n.e.c.
- 733 Trailers or other vehicles, n.e.c., equipped with certain jacketed containers for the transportation of liquefied gases at temperatures below minus 274°F . (minus 170°C .), specially designed for (a) liquid oxygen, nitrogen, or argon; or (b) liquefied gases boiling at temperatures below minus 328°F . (minus 200°C .) with multi-laminar type insulation under vacuum *and* having a liquid capacity of more than 250 gallons (946 liters) *or* an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75°F . (24°C .) without exposure to direct sunlight.
- 734 Parts and accessories, including parts for propellers, landing gear, and power transmissions, specially designed for helicopters, aircraft, airships, and balloons *and* wholly made of certain fluorocarbon polymers or copolymers.
- 8611 Optical elements of monocrystalline silicon, or silicon with purity of 99.99 percent or higher.
- 8617 Surgical and medical apparatus wholly made of certain fluorocarbon polymers or copolymers.
- 8619 Certain cryogenic equipment, n.e.c., designed for maintaining operating temperatures below minus 170°C . for electrical, magnetic, or electronic equipment or components.¹
- 8619 Control instruments specially designed for environmental chambers capable of pressures between 10^{-4} Torr, and 26 Torr, including those which also have a capability of simulating other environments, such as radiation and temperature; and parts, n.e.c.
- 8619 Instruments or devices capable of automatically measuring the speed of sound *in situ* in water, and rated for differential sensitivity measurements of 1 part in 5,000 parts or better, and equipment containing such instruments or devices; and parts, n.e.c.

- 8619 Mass spectrographs and mass spectrometers, as follows: (a) all multifocus types (including double focus, tandem, and cycloidal), or (b) single focus types possessing a radius of curvature of 5 inches or more; and parts, n.e.c.
- 8619 Parts and accessories wholly made of certain fluorocarbon polymers or copolymers.
- 8619 Tuned amplifiers specially designed for use in radio communications equipment in the HF band below 30 MHz.
- 89500 Articles, finished, n.e.c., wholly made of fluorocarbon polymers or copolymers.
- 899 Postheses wholly made of certain fluorocarbon polymers or copolymers.
- 675 Thermo bimetal, thermometal, and thermostatic metal, chief value steel.

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- 26(1)G Used, obsolete, and reject materials bearing the design of any version of the flag of the United States of America.
- 27(2)G Lithium ores and concentrates, for example, amblygonite, lepidolite and petalite).
- 512(29)G Lithium salts of organic compounds.
- 512(23)G Trichloroethylene specially purified and or neutrally stabilized for precision type metal cleaning or degreasing.
- 513(25)G Other oxides, hydroxides, and peroxides or (a) lithium, (b) tantalum, or (c) tantalum-niobium.
- 514(21)G Other lithium compounds, including catalysts, except *lithium bromide, lithium carbonate, lithium chloride, lithium hypochlorite, lithium fluoride, lithium iodide trihydrate, lithium metaborate, lithium metasilicate, lithium molybdate, lithium nitrate, lithium sulfate, and lithium tetraborate.*
- 53(5)G Other enamels, varnishes, and finishes partially made of polytetrafluoroethylene or polychlorotrifluoroethylene.
- 53(4)G Other enamels, varnishes, and finishes containing polyimidepolyamide.
- 581(5)G Polyimide-polyamide resins, unfinished or semifinished; and other composites or laminates containing polyimide-polyamide.
- 581(12)G Pipe and tubing made of, lined with, or covered with (a) polytetrafluoroethylene (types I and IV, ASTM D 1457-69); and (b) polytetrafluoroethylene (type III, ASTM D 1457-69), polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride, *the following only*: (i) unreinforced, non-heat shrinkable tubing having an inner diameter of $\frac{1}{8}$ inch or more; (ii) unreinforced, heat shrinkable tubing having an inner diameter of $1\frac{1}{8}$ inches or more before shrinkage; (iii) reinforced tubing designed for pressures of 1,500 p.s.i. or less whether or not equipped with fittings; and (iv) tubing having an inner diameter of greater than 1 inch which has not been specially processed to make flow surfaces electrically conductive.
- 62(4)D Hose and tubing lined with or covered with polytetrafluoroethylene, polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride, having an inner diameter of greater than 1 inch which has not been specially processed to make flow surfaces electrically conductive.
- 62(4)G Hose and tubing lined with or covered with (a) polytetrafluoroethylene (types I and IV, ASTM D 1457-69); and (b) polytetrafluoroethylene (type III, ASTM D 1457-69), polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidenefluoride, or hexafluoropropylene and vinylidenefluoride, *the following only*: (i) unreinforced, non-heat shrinkable tubing having an inner diameter of $\frac{1}{8}$ inch or more; (ii) unreinforced, heat shrinkable tubing having an inner diameter of $1\frac{1}{8}$ inches or more before shrinkage; and (iii) reinforced tubing designed for pressures of 1,500 p.s.i. or less, whether or not equipped with fittings.
- 652(1)G Used or reject fabric bearing the design of any version of the flag of the United States of America.
- 653(1)G Used or reject fabric bearing the design of any version of the flag of the United States of America.
- 655(1)G All flags of the United States of America, *except new flags having 50 stars*; and used or reject felt materials bearing the design of any version of the flag of the United States of America.
- 656(5)G All flags of the United States of America, *except new flags having 50 stars.*

- 667(2)G Lithium-containing minerals (for example, spodumene).
- 678(1)G Tubes, pipes, and fittings therefor, lined with or covered with (a) polytetrafluoroethylene (types I and IV, ASTM D 1457-69); and (b) polytetrafluoroethylene (type III, ASTM D 1457-69), polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene and vinylidene fluoride, or hexafluoropropylene and vinylidene fluoride, *the following only*: (i) unreinforced, non-heat shrinkable tubing having an inner diameter of $\frac{1}{8}$ inch or more; (ii) unreinforced, heat shrinkable tubing having an inner diameter of $1\frac{1}{8}$ inches or more before shrinkage; (iii) reinforced tubing designed for pressures of 1,500 p.s.i. or less, whether or not equipped with fittings; and (iv) tubing having an inner diameter of greater than 1 inch which has not been specially processed to make flow surfaces electrically conductive.
- 6893(13)G Other lithium alloys wrought or unwrought.
- 6989(14)G Other lithium alloy castings and forgings.
- 6895(8)G Niobium (columbium) metal, wrought or unwrought, and waste scrap.
- 7192(31)G Centrifuges designated for testing electron tubes, and components and parts thereof; and parts and accessories, n.e.c.
- 7199(6)G Other valves, cocks, or pressure regulators with *all* flow contact surfaces *made of or lined with any of* the following materials: (a) more than 97 percent or less than 99.7 percent titanium, or (b) 50 percent or more cobalt or molybdenum, either separately or combined; and parts, n.e.c.
- 723(4)G Communications cable, as follows: (a) coaxial cable using a mineral insulator dielectric; or (b) coaxial cable using a dielectric aired by discs, beads, spiral screw, or any other means, having four or fewer cores none or which has an inner diameter of the outer conductor of more than 0.472 inch (12mm).
- 724(11)G Frequency modulated radio altimeters which have been in normal civil use for at least two but less than four years, n.e.c.
- 72930(18)G Other microcircuits, n.e.c.
- 732(9)G Special purpose vehicles specially designed or equipped for oilfield use (for example, cementing, perforating, acidizing, fracturing, etc.); and parts and accessories, n.e.c.
- 7152(6)G—Other plate mills over 160 inches in width; and parts and accessories, n.e.c.
- 7192(11)G Cryopump systems designed to operate at temperature of minus 200°C or above measures at atmospheric pressure; and parts and attachments, n.e.c.
- 7192(14)G Ion vacuum pumps having speeds of 800 or more liters of hydrogen per second at pressures of 10^{-6} mm. of mercury or more; and parts and attachments, n.e.c.
- 7192(15)G Other ion vacuum pumps; and parts and attachments, n.e.c.
- 7295(17)G Analog-to-digital and digital-to-analog converters, mechanical-input rotary types of size 11 (1.1 inches in diameter) or smaller.
- 7295(52)G Vacuum gauges, ionization type, specially designed for use with ion vacuum pumps having pumping speeds of 800 or more liters of hydrogen per second at pressures of 10^{-6} mm. of mercury or more.
- 7299(25)A Electronic component assemblies, subassemblies, printed circuit boards, and microcircuits, as follows: (a) high density assemblies constituting one or more functional circuits, *except those with a discrete component density of 15 parts per cubic centimeter (246 per cubic inch) or less*, having any of the following characteristics: (i) consisting of discrete components only, and having a component density greater than 25 part per cubic centimeter (410 per cubic inch) of overall package volume, exclusive of external connecting leads and/or external heat dissipating structure, (ii) consisting of discrete components and integrated circuits, (iii) incorporating any active discrete component covered under No. 72930 *if such entry is followed by the code letter "A"*, (iv) designed or rated for continuous operation without derating over the temperature range from minus 55°C. to 85°C., or (v) designed or rated as radiation hardened circuits: (b) printed circuit boards (single sided, double sided, or multilayer) designed to mount and provide inter-connection between electronic components (with or without such components), *except those mounting no components covered under No. 722, 72930, or 7299 if such entry is followed by the code letter "A" and manufactured from any of the following insulating materials*: (i) paper base phenolics, (ii) glass cloth melamine, (iii) glass epoxy resin, (iv) polyethylene terephthalate, or (v) any insulating material with a maximum continuous rated operating temperature not exceeding 150°C.; or (c) micro-circuits, n.e.c., *except encapsulated passive networks*

- formed by thick film deposition techniques; and specially designed parts, n.e.c. (Report semiconductor microcircuits and integrated circuits in No. 72930).
- 7299(25)G Other electronic component assemblies, subassemblies, printed circuit boards, and microcircuits, n.e.c.
- 734(10)G Other aircraft landing gear, wheels, brakes, and deicing equipment; and parts, n.e.c.
- 8619(20)G Instruments specially designed for production testing and sorting of electron tubes, and components; and specially designed parts, n.e.c.
- 8619(32)G Control equipment specially designed for other hot or isostatic presses under No. 71980; and parts, n.e.c.
- 8619(6)G Other precision gyroscopes, including rate and integrating gyros and other precision accelerometers; and parts and accessories, n.e.c.
- 8619(7)G Other gyro compasses; and parts and accessories, n.e.c.
- 8619(30)G Other testing and inspecting equipment specially designed for use in the production of electron tubes and parts and components therefor; and parts, n.e.c.
- 89300(5)G Other articles, finished, n.e.c. containing polyimide polyamide.
- 89300(8)G Hose, tubing, and fittings therefor, made of, lined with or covered with (a) polytetrafluoroethylene (types I and IV, ASTM D 1457-69); and (b) polytetrafluoroethylene (type III, ASTM D 1457-69) and polyvinylidene fluoride, or the copolymers of tetrafluoroethylene and hexafluoropropylene, chlorotrifluoroethylene, and vinylidene fluoride, or hexafluoropropylene and vinylidene fluoride, the following only: (i) unreinforced, nonheat shrinkable tubing having an inner diameter of $\frac{1}{8}$ inch or more; (ii) unreinforced, heat shrinkable tubing having an inner diameter of $1\frac{1}{8}$ inches or more before shrinkage; (iii) reinforced tubing designed for pressures of 1,500 p.s.i. or less, whether or not equipped with fittings; and (iv) tubing having an inner diameter of greater than 1 inch which has not been specially processed to make flow surfaces electrically conductive.

3. The following commodities were removed from validated license in the past six years for export to Portugal and South Africa, as well as other Free-World destinations, but were not concurrently removed from validated license for Eastern Europe and the People's Republic of China:

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- 71842 Equipment, 135 horsepower and over, as follows: (a) logging vehicles, self-propelled and (b) pipe layers, integrated track-laying type; and specially designed parts, accessories, and attachments therefor, *except cabs and cab guards (canopy tops)*.
- 71842 Power cranes, draglines, shovels, and backhoes, excavator type, crawler or walker-mounted, full revolving, over 5 cu. yd. dipper capacity, or over 100 tons crane lifting capacity.
- 72210 Electronic coils, reactors, and chokes and parts made of magnetic materials having none of the characteristics set forth in § 399.2, Interpretation 6.
- 73203 Other off-highway trucks and trailers (including logging trailers), having an axle load rating of 47,500 lbs. or more for any one axle assembly whether the axle assembly consists of one or two axles). (Specify type and axle load rating.)
- 73203 Other wheel- or truck-mounted excavator-type power cranes and shovels, full revolving, over 1 cu. yd. dipper capacity, or over 30 tons crane lifting capacity; and truck carriers, non-military, specially designed for mounting this excavator-type equipment. (Specify type and capacity.)
- 86191 Other gravity meters (gravimeters) (specify by name); and specially designed parts and accessories, n.e.c.

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- 72210 Synchronous motors having synchronous speeds of 3,000 rpm or less and designed to operate only from minus 10°C. to plus 55°C.
- 72952 Other physical properties testing and products testing and inspecting machines or equipment, n.e.c., incorporating circuitry designed to use two or more electron tubes or transistors.
- 72952 Chemical analysis equipment, qualitative and quantitative.
- 72952 Other industrial process indicating, recording, and/or controlling instruments containing one or more electron components (incorporating one or more

electron tubes or transistors), *except large case potentiometric instruments (that is, those with one face dimension 6 inches or larger)*.

- 86172 Other self-contained diving and underwater breathing apparatus (scuba); and specially designed components therefor, n.e.c.

JULY 1—SEPTEMBER 30, 1967

- 84160 Underwater apparel designed for scuba diving.

JULY 1—SEPTEMBER 30, 1968

- 67550 Other forged steel pipe fittings having a pipe size connection greater than 19 inches o.d. and designed for a working pressure of over 300 psi as determined by API (American Petroleum Institute) test.

- 71516 O-ing, U-ing and straightener-expander presses designed for manufacture of steel pipe over 19" o.d.

- 71522 Pipe mills and parts, designed for the manufacture of steel pipe over 19" o.d.

- 71953 Portable drilling machines, pneumatic or hydraulic, capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow; and specially designed parts and attachments.

- 71992 Valves, as follows: (a) specially designed for temporary stopping off or plugging a section of steel line pipe of a size greater than 19 inches o.d., and (b) other steel valves with inlet or outlet diameter 17 inches or greater and designed for a working pressure of over 300 psi; and specially designed parts.

- 72992 Automatic pipe welding machines capable of welding the joints of steel pipe of a size greater than 19 inches o.d.; and specially designed parts and accessories, n.e.c.

- 86197 Meters with inlet or outlet diameter 10 inches or larger, specially designed to measure flow in petroleum and/or natural gas pipe lines.

JANUARY 1—MARCH 31, 1969

- 51365 Alumina, all types, purity 99 percent or higher.

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- 28394 Niobium (colombium) ores and concentrates.

- 28401 Tantalum bearing slag; and niobium (columbium) bearing slag.

- 28393 Tantalum ores and concentrates.

- 66700 Other radio grade quartz crystals, natural and synthetic, unworked or worked, not mounted.

- 67160 Ferrocolumbium; ferrotantalum; and ferrocolumbium-tantalum.

- 68943 Other tantalum metal alloys, wrought or unwrought, and waste and scrap.

- 68950 Other niobium (columbium) alloys, wrought or unwrought, and waste and scrap.

- 69887 Other tantalum alloy welding rods, wires, and electrodes, including brazing rods.

- 69887 Other niobium (columbium) alloy welding rods, wires, and electrodes, including brazing rods.

- 69899 Other niobium (columbium) or niobium alloy castings, forgings, wire, and cable.

- 72499 Other radio relay communications equipment designed for frequencies of 470 megacycles and under (specify by name and model number); and components, sub-assemblies, n.e.c.

- 72936 Photomultiplier tubes having *all* of the following characteristics: (a) dark current plus noise less than 5 times 10^{-16} amperes per square centimeter of active cathode surface, (b) sensitivity exceeding 65 microamperes per lumen, and (c) an over-all gain exceeding 100 million; and parts and accessories, n.e.c.

- 72936 Other electron tubes, n.e.c.; and parts and accessories, n.e.c. (Specify by name and type number.)

- 72936 All other transistors, n.e.c.; and parts and accessories, n.e.c.

- 72998 Other quartz crystals, mounted.

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- 67443(3) Alloy steel plates and sheets, suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.
- 67444(2) Carbon steel plates and sheets suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.
- 67480(1) Steel plates and sheets suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.
- 67503(3) Alloy steel hoop and strip, including skelp, suitable for making pipe having the following specifications: of a size greater than 19 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.
- 67504(3) Carbon steel hoop and strip, including skelp, suitable for making pipe having the following specifications: of a size greater than 10 inches o.d. *and* having a yield strength greater than 40,000 psi as determined by API (American Petroleum Institute) test.
- 69211(2) Other containers, iron or steel, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69212(2) Other containers, copper or copper alloy, jacketed, only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69213(2) Other containers, aluminum or aluminum alloy, jacketed only, for the storage of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), (b) 500 gallons capacity or over.
- 69221(2) Other containers, iron or steel, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in No. 73163.]
- 69222(2) Other containers, aluminum or aluminum alloy, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over. [Report containers for mounting on trucks or trailers in No. 73163.]
- 69231(2) Other compressed gas cylinders and similar pressure containers, filled or unfilled, iron or steel, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.); or (b) 500 gallons capacity or over.
- 69232(2) Other compressed gas cylinders and similar pressure containers, filled or unfilled, aluminum or aluminum alloy, jacketed only, for the storage or transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69299(2) Other containers which are instruments of international trade, filled or unfilled, all metals, jacketed only, for the transportation of liquefied gases, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69891(2) Other containers, iron or steel, jacketed only, for the storage of liquefied gases, designed to maintain temperatures below minus 202° F. (minus 130° C.).
- 69892(2) Other containers, copper or copper alloy, jacketed only, for the transportation or storage of liquefied, (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 69899(2) Other containers, nonferrous metals, n.e.c., jacketed only, for the transportation or storage of liquefied gases, as follows: (a) designed to maintain temperatures below minus 202° F. (minus 130° C.), or (b) 500 gallons capacity or over.
- 71430(1) Electrical typewriting machines specially designed for use with electronic computers, printing serially one character at a time and not exceeding 2,500 characters per minute, including such machines with card and/or paper tape devices which do not operate faster than the typewriter when used independently.

- 71491(4) Parts and accessories, n.e.c., for electrical typewriting machines specially designed for use with electronic computers, printing serially one character at a time and not exceeding 2,500 characters per minute, including such machines with card and/or paper tape devices which do not operate faster than the typewriter when used independently.
- 71510(26) Portable drilling machines capable of tapping steel line pipe of a size greater than 19 inches o.d. without interruption of flow.
- 71915(1) Commercial refrigeration equipment, mechanically operated, capable of maintaining temperatures below minus 202° F. (minus 130° C.) ; and parts, n.e.c.
- 71915(5) Other refrigeration equipment specially designed for use of liquefied gases as a coolant, capable of creating or maintaining temperatures of below minus 202° F. (minus 130° C.) ; and specially designed parts, n.e.c.
- 73105(2) Railway cars equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.
- 73163(2) Other containers suitable for transport by rail, road, and ship, all metals, jacketed only, 500 gallon capacity or over, for the transportation of liquefied gases.
- 73202(2) Motor vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.
- 73203(10) Military and nonmilitary vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.
- 73205(2) Truck bodies equipped with or consisting of other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.
- 73300(2) Military and nonmilitary trailers, n.e.c., or other vehicles equipped with other jacketed containers of 500 gallons capacity or over for the transportation of liquefied gases.

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- 28200(2) Alloy steel scrap, including scrap melted into crude forms, containing (a) 5 percent or more cobalt, or (b) 1 percent or more tungsten by weight.
- 28303(2) Molybdenum ores and concentrates.
- 28398(5) Quicksilver or mercury ores and concentrates.
- 51205(2) Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, including but not limited to nonyl sebacates, nonyl azelates, nonyl adipates, octyl sebacates, octyl azelates, and octyl adipates.
- 51209(13) Diethylene triamine, purity less than 96 percent.
- 51209(14) Esters of saturated aliphatic monohydric alcohols containing more than six carbon atoms with adipic or azelaic or sebacic acids, including but not limited to nonyl sebacates, nonyl azelates, nonyl adipates, octyl sebacates, octyl azelates, and octyl adipates.
- 51209(18) Boric acid esters.
- 51321(1) Chlorine.
- 51325(1) Quicksilver or mercury.
- 51329(5) Silicon, purity 99.9 percent up to but not including 99.99 percent.
- 51338(1) Fluoroboric acid, all concentrations.
- 51338(4) Hydrocyanic acid (hydrogen cyanide).
- 51369(6) Molybdenum oxide.
- 51369(11) Germanium oxides, hydroxides, and peroxides, purity 99.99 percent or higher.
- 51470(4, 34 and 35) Ammonium molybdate; calcium molybdate; molybdenum carbide; molybdenum disulfide, 86 percent content or higher; sodium molybdate; and potassium molybdate.
- 51470(24) Germanium compounds, n.e.c., purity 99.99 percent or higher.
- 53332(3) Other enamels, varnishes, and other finishes wholly made of polyvinyl fluoride.
- 53335(1) Pastes wholly made of polyvinyl fluoride.
- 58120(4) Polyvinyl fluoride polymer and copolymer products, unfinished and semifinished.
- 59958(3) Other adhesives or cements wholly made of polyvinyl fluoride.
- 62988(1) Packing materials and other articles, n.e.c., wholly made of polyvinyl fluoride.
- 65692(3) Made-up textile articles, n.e.c., wholly made of polyvinyl fluoride.
- 66230(1) High temperature refractory cements or bonding mortar brick and

- similar shapes, and other refractory construction materials, n.e.c., containing 97 percent or more by weight of magnesium oxide.
- 67160(1) Ferromolybdenum.
- 68941(1) Tungsten wire made from pressed-sintered tungsten.
- 68942(1 and 4) Other molybdenum or molybdenum alloys, wrought or unwrought, including other wire, and waste and scrap.
- 68950(18) Polycrystalline silicon, purity 99.9 percent up to but not including 99.99 percent.
- 68950(21) Other titanium allows, wrought or unwrought, including intermediate mill shapes, and waste and scrap.
- 69887(7) Other molybdenum alloy welding rods, wires, and electrodes, including brazing rods. (Specify by name.)
- 69899(20) Other molybdenum or molybdenum alloy castings and forgings.
- 69899(29) Other titanium or titanium alloy castings and forgings.
- 71911(2) Other electrolytic cells, n.e.c.
- 71921(1) Pump parts and attachments wholly made of polyvinyl fluoride.
- 71923(9) Oil and gas field production separating, filtering, and purifying equipment (for example, flow splitters, separators, treaters, dehydrators, scrubbers, absorbers, LACT units, water knockout, etc.) ; and parts, n.e.c.
- 71923(11) Petroleum dehydrators, and petroleum desalters; and parts, n.e.c.
- 71970(5) Tapered, spherical, or thrust roller bearings with inner bore diameter above 400 millimeters.
- 71980(18) Stenters (tenters) specially designed for stretching other synthetic film; and parts, n.e.c.
- 71980(20) Equipment specially designed for the zone purification of germanium; and parts and accessories, n.e.c.
- 71992(1) Valve parts and accessories wholly made of polyvinyl fluoride.
- 71992(8) Other valves, cocks, or pressure regulators *incorporating* 90 percent or more tantalum, titanium, or zirconium, either separately or combined; and parts, n.e.c.
- 71994(2) Gaskets (joints) wholly made of polyvinyl fluoride.
- 72210(11) Electrical power equipment specially designed for aircraft (for example, generators, regulators, rectifiers, converters, inverters, magnetic amplifiers, transformers etc.) (specify by name); and parts and accessories, n.e.c.
- 72220(8a) Electronic resistors and potentiometers designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating: (a) over the whole range of ambient temperatures from below minus 45° C. to above plus 100°C., or (b) at ambient temperatures of 200°C. or higher; and parts, n.e.c.
- 72310(1) Wire and cable, *except copper or copper alloy*, coated with or insulated with polyvinyl fluoride.
- 72310(11) Other insulated tungsten wire made from pressed-sintered tungsten.
- 72320(2) Other electrical insulators and fittings wholly made of polyvinyl fluoride.
- 72499(9) Radio relay communications equipment having all of the following characteristics: (a) designed for use at frequencies between 300 and 470 MHz, (b) power output between 5 and 10 watts, (c) base bandwidth of 150 KHz or less, and (d) for fixed service; and components, subassemblies, parts, and accessories, n.e.c.
- 72499(17a) Other ground and marine direction finding equipment, including specialized training and simulating equipment, designed to operate at frequencies greater than 5 MHz, up to and including 12 MHz; and parts and accessories, n.e.c.
- 72499(27) Other flexible waveguides and components designed for frequencies up to and including 12,500 megacycles.
- 72930(19) Other hydrogen thyratons; and parts and accessories, n.e.c.
- 72930(31 and 36) All other diodes and solid state semiconductor devices, n.e.c.; and parts and accessories, n.e.c.
- 72952(16) Instruments, n.e.c., designed for operation at frequencies from 300 megacycles up to and including 1,000 megacycles.
- 72952(17) Other measuring, calibrating, counting, and time interval measuring equipment with *any* of the following characteristics: (a) frequency measuring instruments having an accuracy better than 0.00001 percent, (b) capable of resolving (at normal input levels) successive input signals with less than 0.5 microsecond time difference (including time interval measuring equip-

- ment containing such counters), or (c) designed to provide a multiplicity of alternative output frequencies controlled by a lesser number of piezoelectric crystals or an internal or external frequency standard and not forming multiples of a common control frequency.
- 72952(26) Electrical quantity measuring and indicating instruments specially designed for aircraft.
- 72952(27) Aircraft instruments for measuring, indicating or controlling non-electrical quantities by electrical or electronic means.
- 72952(46) Other electronic industrial process control systems.
- 72952(59) Other vacuum gauges, ionization type.
- 72952(89) Other time interval measuring equipment having one or both of the following characteristics: (a) capable of measuring time intervals of 0.1 second or less with an error not exceeding 1 microsecond plus 0.001 percent of the interval measured, and (b) incorporating counting circuits capable of counting at rates in excess of 1 megacycle per second.
- 72992(4) Other electric industrial melting, refining, and metal heat-treating furnaces, n.e.c.; and parts, accessories, and attachments.
- 72995(8) Sintered electrolytic tantalum capacitors having a casing made of epoxy resin or sealed with epoxy resin; and parts, n.e.c.
- 72998(1a) Electronic resistive components, n.e.c., designed for and/or capable of reliable performance in relation to their electrical and mechanical characteristics and maintaining their design service lifetime while operating: (a) over the whole range of ambient temperatures from below minus 45°C. to above plus 100°C., or (b) at ambient temperatures of 200°C. or higher; and parts, n.e.c.
- 72998(8) Other signal generators operating at frequencies of 300 megacycles and over; and parts, n.e.c.
- 73410(6) Nonmilitary gliders, sailplanes, and other non-powered aircraft, n.e.c.
- 73492(5) Fixed pitch and ground-adjustable propellers for nonmilitary aircraft; and rotors and rotor blades for nonpowered rotorcraft, n.e.c.; and parts, n.e.c.
- 73492(10) Parts and accessories, n.e.c., for nonmilitary gliders, sailplanes, and other nonpowered aircraft, n.e.c.
- 86199(3) Parts and accessories wholly made of polyvinyl fluoride.
- 89300(8) Other articles, n.e.c., wholly made of polyvinyl fluoride.
- 89715(2) Platinum-clad molybdenum wire.

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- 72210 Certain power supplies and magnet controllers designed for use with cryogenic equipment capable of operating at ambient temperature range of below minus 130° C. to below minus 170° C.
- 72499 Certain electronic telecommunications equipment, navigation aids, and search and detection apparatus, including radar, n.e.c., designed for operation at ambient temperature range of below minus 130° C. to minus 170° C.; and parts, accessories, subassemblies, or components, n.e.c.
- 72952 Certain nuclear radiation detection and measuring instruments and apparatus designed for operation continuously or discontinuously at ambient temperature range of below minus 130° C. to below minus 170° C.
- 72952 Certain research laboratory instruments and apparatus designed for operation at ambient temperatures below minus 130° C.
- 72991 Certain magnets designed for use with cryogenic equipment capable of operating at ambient temperature range of below minus 130° C. to below minus 170° C.
- 72999 Certain electrical apparatus, n.e.c., designed for use with cryogenic equipment capable of operating at ambient temperature range of below minus 130° C. to below minus 170° C.; and parts, n.e.c.
- 86191 Certain instruments designed for operation at ambient temperatures below minus 130° C.; and parts and accessories, n.e.c.
- 86195 Equipment capable of performing tests at temperatures below minus 130° C.; and parts, n.e.c.
- 86197 Certain instruments designed to operate at ambient temperatures below minus 130° C.
- 86198 Certain laboratory, scientific, and optical measuring equipment designed for operation at ambient temperatures below minus 130° C.; and parts, n.e.c.
- 86198 Industrial process instruments capable of operating or performing tests at temperatures below minus 130° C.; and parts, n.e.c.

- 28200 Iron and steel scrap of magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds.
- 28398 Beryllium ores and concentrates.
- 33250 Lubricants which are or which contain as the principal ingredient petroleum (mineral) oils *and have*: (a) a pour point of minus 30° F. (34° C.) or lower, and (b) are thermally stable at plus 700° F. (plus 371° C.), but have a viscosity index (VI) of *less than 75*.
- 33291 Hydraulic or automatic transmission fluids, petroleum based, having all of the following characteristics: (a) kinematic viscosity of 4.6 centistokes or greater at 210° F. (98.8° C.), (b) pour point of minus 30° F. (minus 34° C.) or lower, and (c) viscosity index (VI) of 130 or higher.
- 33291 Hydraulic fluids, petroleum based, which are or which contain as the principal ingredient petroleum (mineral) oils which have: (a) a pour point of minus 30° F. (minus 34° C.) or lower, and (b) are thermally stable at plus 700° F. (plus 371° C.), but less have a viscosity index (VI) of *less than 75*.
- 51202 Diazodinitrophenol.
- 51209 Tetrazene; and lead styphnate.
- 51369 Hydrazine hydrate; and mixtures of hydrazine containing less than 70 percent of hydrazine equivalent.
- 51470 Certain boron carbides.
- 51470 Lead thiocyanate.
- 51470 Ammonium fluoroborate.
- 57112 Primary explosives and priming compositions containing barium styphnate, diazodinitrophenol, lead dinitroresorcinate, lead styphnate, lead thiocyanate, mercury fulminate, and tetrazene.
- 58120 Pipe and tubing made of, lined with, or covered with other fluorocarbon polymers or copolymers.
- 59999 Hydraulic fluids which are or which contain as the principal ingredients petroleum (mineral) oils which have: (a) a pour point of minus 30° F. (minus 34° C.) or lower, and (b) are thermally stable at plus 700° F. (plus 371° C.), but have a viscosity index (VI) of *less than 75*.
- 59999 Hydraulic fluids, synthetic, having a viscosity of not more than 4,000 centistokes at minus 65° F. (minus 54° C.) and not less than 1.5 centistokes at plus 302° F. (plus 150° C.).
- 62105 Rubber hose and tubing lined with or covered with other fluorocarbon polymers or copolymers.
- 65590 Textile tubing and hose lined with or covered with other fluorocarbon polymers or copolymers.
- 66311 Certain diamond grinding wheels fabricated with polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamids, polyparaxylenes, or polyimide-polyamide.
- 66370 Refractory products made of boron carbide with a boron content of less than 74 percent.
- 66420 Lens blanks, not optically worked, of polycrystalline silicon of a purity of 99.9 percent up to but not including 99.99 percent.
- 66494 Certain glass fiber articles, as follows: (a) pipe and tubing lined with or covered with other fluorocarbon polymers or copolymers, or (b) articles containing more than 20 percent by weight of fluorocarbon polymers or copolymers.
- 66730 Certain quartz crystals, natural, unworked or worked, not mounted, for use as oscillators, *and* designed for operation over a temperature range wider than 70° C.
- 66740 Certain quartz crystals, synthetic, unworked or worked, not mounted, for use as oscillators *and* designed for operation over a temperature range wider than 70° C.
- 67504 Certain carbon steel hoop and strip having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds.
- 67810 Cast iron pipe lined with or covered with other fluorocarbon polymers or copolymers.
- 67820 Seamless steel pipe and tubing, n.e.c., lined with or covered with other fluorocarbon polymers or copolymers.
- 67830 Welded, clinched, or riveted steel pipe and tubing lined with or covered with other fluorocarbon polymers or copolymers.
- 68121 Certain platinum based magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds, unwrought or partly worked, not rolled.

- 68122 Certain rolled platinum based magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds, unworked or partly worked.
- 68321 Certain bars, rods, angles, shapes, sections, and wire of nickel based magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds.
- 68322 Certain plates, sheets, strips, powders, flakes, and foil of nickel based magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds.
- 68323 Certain tubes, pipes, blanks, and fittings, therefor, and hollow bars, of nickel based magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds.
- 68950 Certain cobalt based magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds, wrought or unwrought.
- 68950 Germanium metal having a resistivity of 50 ohms centimeter or greater.
- 68950 Certain vanadium based magnetic materials having a composition capable of an energy product greater than 6 times 10^6 , up to and including 8 times 10^6 , gauss-oersteds, wrought or unwrought.
- 69524 Certain broaching tools specially designed for production of jet engine blades and engine discs for nonmilitary type engines; and other hollow deep-hole drills; and parts, n.e.c.
- 69591 Certain articles, n.e.c., of magnetic materials having a composition capable of an energy product greater than 6 times 10^6 up to and including 8 times 10^6 gauss-oersteds.
- 69599 Certain electrical conducting materials designed for operation in ambient temperature range of below minus 130° C. to below 170° C.
- 71510 Certain jig boring and/or jig grinding machines with longitudinal, transverse, or vertical table travel exceeding 44 inches.
- 71510 Hollow drill deep-hole drilling machines.
- 71510 Gear making and/or finishing machinery capable of the production of gears of a module finer than 0.5 mm. (diametral pitch finer than 48) but which are not capable of meeting a quality standard better than AGMA 10 or equivalent.
- 71510 Certain internal grinding machines specially designed for utilization of one or more spindle heads capable of speeds over 80,000 r.p.m.
- 71510 Grinding machines for broaching tools, automatic cycle, automatic sizing.
- 71510 Certain presses, as follows: (a) vertical hydraulic presses with rated capacity over 5,000 tons up to and including 10,000 tons, and (b) mechanical presses with rated capacity over 5,000 tons.
- 71510 Forging hammers as follows: (a) counter-blow hammers having rated sizes of 25,000 kilogram meters (181,250 foot-pounds (or more), (b) rotary impact forging hammers of rated sizes of 10,000 foot-pounds or more, (c) horizontal impact hammers, (d) forging hammers having falling weight exceeding 10 tons, and (e) other steam, air, or mechanical hammers of rated size exceeding 10 tons.
- 71510 Spin-forming machines with drive motors of over 25 horsepower up to but not including 50 horsepower.
- 71521 Certain centrifugal casting machines capable of casting tubers 6 feet or more in length with a wall thickness of 2 inches or over; and parts, n.e.c.
- 71522 Standard equipment for the assembly of entertainment type receiver tubes or television tubes; and parts and accessories, n.e.c.
- 71915 Certain cryogenic refrigeration equipment designed for maintaining ambient temperatures from below minus 130° C. to below minus 170° C. and (a) designed for use in marine, airborne, or space application, or (b) ruggedized for mobile ground use, or (c) designed to maintain operating temperatures for electrical, magnetic, or electronic equipment or components; and parts, n.e.c.
- 71923 Certain oil and gas separating equipment; including petroleum dehydrators and desalters; and parts, n.e.c.
- 71954 Certain grinding heads and spindle assemblies for grinding machines designed or rated for operation at speeds in excess of 80,000 r.p.m.
- 71954 Parts, accessories, attachments, and auxiliary equipment, n.e.c., for other metalworking machines and machine tools under No. 71510, entries (3), (4), (5), (7), (10), (11), (20), (21), and (23), requiring a validated license to Country Groups S, W, X, Y, and Z.

- 71964 Arc plasma devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating and/or spraying; equipment incorporating such devices; and parts, accessories, and controls, n.e.c.
- 72210 Certain synchronous motors of any rating having *any* of the following characteristics: (a) synchronous speeds in excess of 3,000 rpm, (b) designed to operate between minus 25° C. and minus 10° C., or between plus 55° C. and plus 100° C., or (c) of size 11 (1.1 inches in diameter) or smaller; and parts and accessories, n.e.c.
- 72210 Servo motors (gear head or plain), having *any* of the following characteristics: (a) designed to operate from power sources over 300 Herz up to and not exceeding 400 Herz, (b) designed to operate within a temperature range greater than minus 10° C. to plus 55° C. but not exceeding minus 25° C. to plus 100° C., or (c) of size 11 (1.1 inches in diameter) or smaller; and parts and accessories, n.e.c.
- 72210 Certain servo control units, linear induction potentiometers, induction rate generators, synchros, and resolvers; and instruments which perform functions similar to synchros or resolvers with a rated electrical error from 0.25 to 0.5 percent of maximum output voltage; and part and accessories, n.e.c.
- 72210 Certain parts for transformers, coils, reactors, chokes, motors, and generators (including cores, laminations, stampings, and other formed parts) made of magnetic materials having a composition capable of an energy product greater than 6 times 10⁶, up to and including 8 times 10⁶, gauss-oersteds.
- 72320 Certain electrical insulators and fittings containing polyimides, polybenzimidazoles, polyimidazopyrrolones, aromatic polyamids, polyparaxylenes, polyimide-polyamide, and fluorocarbon polymers or copolymers.
- 72491 Certain telegraph apparatus, as follows: (a) suitable for use at speeds greater than 200 words per minute or 150 bauds, or (b) other multichannel telegraph terminal transmitting and receiving equipment; and components, parts and accessories, n.e.c.
- 72499 Certain multi-channel radio-telegraph terminal transmitting and receiving equipment; and other radio-telegraph equipment suitable for use at speeds greater than 200 words per minute or 150 bauds; and components, parts, and accessories, n.e.c.
- 72499 Certain panoramic adaptors for commercial radio receivers; and parts and accessories, n.e.c.
- 72499 Certain ground and marine radar equipment, including specialized training or simulating equipment, utilizing a staggered pulse repetition frequency or a conventional triple delay line cancellation technique; and parts and accessories, n.e.c.
- 72499 Certain ground and marine radar equipment, including specialized training or simulating equipment, *except normal equipment designed for pulse operation of frequencies between 1,300 and 1,660 MHz, 2,700 and 3,900 MHz, or 8,500 and 10,000 MHz, having in the case of marine radar, a peak output power to the aerial system of not greater than 75 kilowatts or, in the case of ground base radar, having a peak output power to the aerial system of not greater than 50 kilowatts and a range of not greater than 50 nautical miles;* and parts and accessories, n.e.c.
- 72499 Certain airborne electronic navigation and direction finding equipment, n.e.c., *except direction finders operating at frequencies of 5 MHz or less;* and parts and accessories, n.e.c.
- 72499 Certain untuned amplifiers having a bandwidth exceeding 10MHz but less than 30 MHz and a power output not exceeding 5 watts; and parts, n.e.c.
- 72912 Electrically rechargeable storage cells, hermetically sealed, designed to have a leakage rate of 10⁻⁵ cubic centimeters per second of gas or less when tested under pressure differential of 2 atmospheres; and parts, components, and subassemblies, n.e.c.
- 72920 Certain photomicrographic arc lamps designed for use with photographic micro-flash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration at a minimum recurrence frequency of 200 flashes per second; and single coil tungsten filaments.
- 72930 Certain cathode ray tubes, n.e.c., as follows: (a) with 3 or more electron guns, *except 3-gun color television tubes*, and (b) alpha-numeric display tubes in which the displayed position of each character is *not* fixed; and parts and accessories, n.e.c.

- 72930 Electron tubes, as follows: (a) constructed with beryllium oxide ceramics, and (b) rated for operation in ambient temperatures above 100° C, up to 200° C.; and parts and accessories, n.e.c.
- 72930 Certain solid state semiconductor devices designed for operation at ambient temperature range of below minus 130° C. to minus 170° C.; and parts and accessories, n.e.c.
- 72930 Certain quartz crystals and assemblies thereof, mounted, for use as oscillators, as follows: (a) designed for operation over a temperature range wider than 70° C., or (b) mounted in glass holders.
- 72952 Certain magnetometers, including geophysical and gaussmeters, of the following types: (a) electron-beam sensing, (b) nucleonic, and (c) Hall effect.
- 72952 Personal nuclear radiation monitoring instruments enabling direct reading on a graduated scale, as follows: (a) dosimeters, where more than one-fourth of the total single exposure range falls between 15 and 500 rads or roentgens, or (b) dose rate meters, where more than one-fourth of the total range falls between 1 and 80 rads or roentgens per hour, *except dosimeters, and dose rate meters specially designed for use with medical radiation equipment or used in food and plastics processing.*
- 72952 Certain centrifugal-action testing equipment.
- 72952 Gear testers designed for the testing of gears of diametral pitch finer than 48.
- 72952 Control equipment specially designed for other presses under No. 71510.
- 72952 Industrial instruments (including sensing elements) capable of operation at, or performing tests at, temperature below minus 130° C.
- 72991 Other permanent magnets made of magnetic materials having a composition capable of an energy product greater than 6 times 10⁶ up to and including 8 times 10⁶, gauss-oersteds.
- 72992 Electric arc devices of less than 80 kilowatts which utilize or generate a flow of ionized gas for cutting, welding, plating and/or spraying: equipment incorporating such devices: and parts, accessories, and controls, n.e.c.
- 72992 Non-vacuum electron beam welders: and parts, accessories, and attachments, n.e.c.
- 72998 Certain modular insulator panels (including wafers) mounting single or multiple electronic elements.
- 72998 Electric and electronic parts and components, n.e.c., fabricated of beryllium oxide ceramic. (Specify by name.)
- 86111 Optical elements of silicon with a purity of 99.9 percent up but not including 99.99 percent silicon.
- 86140 Photographic micro-flash equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration, at a minimum recurrence frequency of 200 flashes per second; and parts and accessories, n.e.c.
- 86195 Certain centrifugal-action testing equipment: and parts, n.e.c.
- 86198 Certain centrifugal-action testing equipment: and parts, n.e.c.
- 86199 Certain untuned amplifiers having a bandwidth exceeding 10 MHz but less than 30 MHz and a power output not exceeding 5 watts; and parts, n.e.c.
- 86199 Amplifiers, electronic or magnetic, designed for use with resolvers as follows: (a) isolation types having a variation of gain constant (linearity or gain) better than 0.5 percent and not less than 0.2 percent, or (b) summing types having a variation of gain constant (linearity of gain) or an accuracy of summation of better than 0.5 percent and not less than 0.2 percent; and parts, n.e.c.
- 89300 Hose tubing made of, lined with, or covered with other fluorocarbon polymers or copolymers.
- 89712 Certain platinum-clad molybdenum tubing.
- 89998 Parachutes in normal sporting use, and complete canopies, harnesses, and platforms therefor.
- 71510 Automatic vertical boring and turning mills (including vertical turret lathes), cycle type.
- 71954 Parts, accessories, attachments, and auxiliary equipment, n.e.c., for other metalworking machines and machine tools (No. 71510) requiring a validate license to all Country Groups except Country Group T.

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26621 Staple, not carded or combed, wholly made of certain fluorocarbon polymers or copolymers.

- 26622 Continuous filament tow wholly made of certain fluorocarbon polymers or copolymers.
- 33250 Lubricants, as follows: (a) wholly made of certain fluorocarbon polymers or copolymers, or (b) containing more than 20 percent by weight of fluorocarbon polymers or copolymers.
- 51209 Tetrafluoroethylene; and trifluoromonoethylethylene.
- 51470 Boron trichloride and its complexes.
- 58120 Certain fluorocarbon polymers and copolymers and products wholly made thereof.
- 58120 Certain fluorocarbon polymer and copolymer products, as follows: (a) molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers, or (b) laminates partially made of fluorocarbon polymers or copolymers, including molded, decorative, or laminated with other materials or metals.
- 65162 Monofil wholly made of certain fluorocarbon polymers or copolymers.
- 65166 Filament yarn and thread of filament yarn wholly made of certain fluorocarbon polymers or copolymers.
- 65351 Broad woven fabric, as follows: (a) wholly made of certain fluorocarbon polymers or copolymers, or (b) coated or impregnated with fluorocarbon polymers or copolymers.
- 65352 Broad woven fabric, as follows: (a) wholly made of certain fluorocarbon polymers or copolymers, or (b) coated or impregnated with fluorocarbon polymers or copolymers.
- 65401 Narrow woven fabric wholly made of certain fluorocarbon polymers or copolymers.
- 65543 Textile fabric, n.e.c., coated or impregnated with certain fluorocarbon polymers or copolymers.
- 65584 Textile fabrics and articles used in machinery or plant, as follows: (a) wholly made of certain fluorocarbon polymers or copolymers, or (b) coated or impregnated with fluorocarbon polymers or copolymers.
- 65610 Bags or sacks wholly made of certain fluorocarbon polymers or copolymers.
- 65692 Narrow fabrics coated or impregnated with fluorocarbon polymers or copolymers.
- 66381 Packing, gaskets, textiles, yarns, and other manufactures of asbestos coated or impregnated with fluorocarbon polymers or copolymers.
- 71141 Parts, n.e.c., wholly made of certain fluorocarbon polymers or copolymers, specially designed for internal combustion aircraft engines.
- 71142 Parts and accessories, n.e.c., wholly made of certain fluorocarbon polymers or copolymers, specially designed for aircraft engines.
- 71150 Parts and accessories, n.e.c., wholly made of certain fluorocarbon polymers or copolymers, specially designed for internal combustion engines.
- 71921 Pump parts and attachments wholly made of certain fluorocarbon polymers or copolymers.
- 71922 Vacuum pump parts and attachments wholly made of certain fluorocarbon polymers and copolymers.
- 71992 Valve parts and accessories wholly made of certain fluorocarbon polymers or copolymers.
- 71994 Gaskets (joints) wholly made of certain fluorocarbon polymers or copolymers.
- 72310 Other wire and cable, *except copper or copper alloy*, coated with or insulated with certain fluorocarbon polymers or copolymers.
- 72320 Electrical insulators and fittings wholly made of certain fluorocarbon polymers or copolymers, *except polyvinyl fluoride*.
- 73492 Parts and accessories, n.e.c., wholly made of certain fluorocarbon polymers, specially designed for helicopters, aircraft, airships, and balloons (including parts for propellers, landing, and power transmission.)
- 86198 Instruments parts wholly, made of certain fluorocarbon polymers or copolymers.
- 86199 Parts and accessories wholly made of certain fluorocarbon polymers or copolymers.
- 89300 Articles, n.e.c., as follows: (a) wholly made of certain fluorocarbon polymers or copolymers, (b) partially made of polytetrafluoroethylene or polychlorotrifluoroethylene, (c) made of molding compositions containing more than 20 percent by weight of fluorocarbon polymers or copolymers, or (d) pressure sensitive tape coated or impregnated with fluorocarbon polymers or copolymers.

NOVEMBER 1-DECEMBER 31, 1970

- 72620 Certain flash discharge type X-ray tubes; and parts, n.e.c.
- 72620 Betatrons, X-ray producing; and parts, n.e.c.
- 72970 Belt-type electro-static generators; and parts, n.e.c.
- 72991 Magnets specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or ion.

APRIL 1-JUNE 30, 1971

- 581 Certain synthetic film suitable for dielectric use (condenser tissue) of a thickness up to and including 0.0015 inch (0.038 mm).
- 663 Boats and crucibles made of nonpyrolytic graphite having an apparent relative density between 1.80 and 1.90.
- 7192 Centrifugal and axial flow compressors and blowers: (a) specially designed for wind tunnel use, or (b) having an overall compression ratio of 3.5 to 1 coupled with a capacity of 100,000 cubic feet per minute or more at standard conditions (60° F. and 14.7 psia) with case pressures or maximum permissible discharge pressures or maximum permissible discharge pressures of 60 psia and higher; and parts and attachments, n.e.c.
- 7295 Certain nuclear radiation detection and measuring instruments and apparatus, n.e.c.

JULY 1-SEPTEMBER 30, 1971

- 28 Iron and steel scrap containing 1 percent or more nickel by weight, including scrap melted into crude forms.
- 28 Nickel-bearing residues and dross.
- 28 Certain nickel or nickel alloy waste and scrap, including scrap melted into crude forms.
- 513 Nickel oxide.
- 514 Nickel sulfate.
- 671 Ferronickel containing 90 percent or less nickel.
- 683 Certain nickel or nickel alloys, unwrought.
- 683 Certain bars, rods, angles, shapes, sections, wire, powder, flakes, plates, sheets, strips, foil, hollow bars, tubes, pipe, blanks, and fittings, of nickel or nickel alloy containing 32 percent or more nickel.
- 683 Certain nickel powder with a nickel content of less than 99 percent and a particle size of 100 microns or over.
- 683 Bimetallic strip for thermostats.
- 683 Certain nickel or nickel alloy electroplating anodes.
- 6989 Certain tantalum alloy castings and forgings.
- 723 Certain insulated nickel or nickel alloy wire, as follows: (a) insulated thermocouple nickel-chrome wire containing less than 95 percent nickel and within a diameter range of 0.2 mm. to 5 mm., both inclusive, or (b) other insulated nickel or nickel alloy wire containing 32 percent or more nickel.

OCTOBER 1-DECEMBER 31, 1971

- 514 Molecular sieves, not loaded (for example, crystalline sodium aluminosilicate).
- 514 Molecular sieves, not loaded (for example, crystalline calcium aluminosilicate).
- 59 Molecular sieves, loaded (for example, crystalline calcium aluminosilicate or crystalline sodium aluminosilicate).
- 62 Certain aircraft tires.

APRIL 1-JUNE 30, 1972

- 514 Certain zirconium compounds.

OCTOBER 1-DECEMBER 30, 1972

- 7295 Certain research laboratory cryogenic instruments and apparatus for measuring, indicating, recording, testing, or controlling nonelectrical quantities, n.e.c., specially designed for operation at ambient temperatures below minus 170° C.
- 7299 Certain magnets and electrical apparatus, n.e.c., specially designed for use with cryogenic equipment capable of operating at ambient temperatures below minus 170° C.; and parts, n.e.c.

7299 Electronic components and parts, as follows: (a) electrical filter in which the coupling elements to make use of the electromechanical properties of ferrites; or (b) single aperture memory or switching forms having a switching speed slower than 0.3 microseconds but not slower than 0.5 microseconds at the minimum field strength required for switching at 40°C., and a maximum dimension of 30 mills or more but not exceeding 45 mills.

3 Molybdenum lubricants containing 80 percent or more molybdenum disulphide.
513 Monocrystalline and polycrystalline forms of molybdenum with a purity from more than 99.5 percent up to and including 99.9 percent.

6894 Molybdenum metal with a purity of more than 99.5 percent up to and including 99.9 percent; molybdenum alloys containing more than 95 percent but 97.5 percent Mo or less; and unalloyed sheets, strips and tapes 20 inches or less in width.

6989 Castings and forgings of molybdenum metal containing more than 99.5 percent up to and including 99.9 percent molybdenum, or molybdenum alloy containing more than 95 percent but 97.5 percent or less molybdenum.

7295 Certain instruments, n.e.c., designed for operating at frequencies (a) of 300 MHz or less and incorporating a digital memory capability in excess of 2048 bits, or (b) of 1,000 MHz or more which incorporate active circuit components (e.g. transistors, oscillating or amplifying diodes, or vacuum tubes).

7295 Certain nuclear radiation detection and measuring instruments and apparatus, n.e.c., specially designed for operation at ambient temperatures below minus 170°C.

897 Platinum-clad molybdenum tubing containing more than 99.5 percent up to and including 99.9 percent molybdenum, and platinum-clad molybdenum alloy tubing containing more than 95 percent but 97.5 percent or less molybdenum.

4. The following commodities were removed from validated license in the past six years for export to South Africa, but were already under general license to Portugal and other Free-World destinations:

JANUARY 1-JULY 31, 1970

81230 Lavatories, sinks, and other sanitary and plumbing fixtures specially designed for aircraft; and parts, n.e.c.

JULY 1-SEPTEMBER 30, 1971

7191 Aircraft air-conditioning systems; and parts, n.e.c.

7191 Heat exchangers, oil coolers, and liquid coolers specially designed for aircraft; and parts, n.e.c.

7192 Pumps, air compressors, fans, and blowers specially designed for aircraft, and parts and attachments, n.e.c.

7196 Aircraft fire extinguishing systems; and parts, n.e.c.

722 Electric motors specially designed for aircraft; and parts and accessories, n.e.c., including motor controls.

722 Fuses, dimmer switches, lighting switches, power relays, and other electrical apparatus for making, breaking, or protecting electrical circuits on aircraft; and parts, n.e.c.

723 Ignition harness and cable sets, aircraft type.

7294 Electrical starting and ignition equipment, aircraft type, and parts, n.e.c.

7295 Instruments, n.e.c., specially designed for aircraft (for example, current, voltage, phase, and frequency, meters, pressure, level, vacuum, flow temperature, rotative speed, vibration, etc.).

7299 Aircraft alarm, warning, and signaling instruments, n.e.c. (for example, fire detectors and indicators; engine failure indicators; wheel, flap, cowl flap, and control position indicators, etc.); flashing, intermittent, and rotating lights; ignition capacitors (condensers); and parts, n.e.c.

81 Landing lights and other lighting fixtures specially designed for aircraft.

8617 Aircraft oxygen systems, apparatus, equipment, and components, n.e.c.; and parts, n.e.c.

8618 Mechanical tachometers for aircraft engines.

8619 Certain aircraft engine instruments for measuring, checking, or automatically controlling the flow, pressure, or other variables of liquids, gases, or temperature; aircraft type hydrometers and similar instruments; and aircraft thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination of these; and parts and accessories, n.e.c.

OCTOBER 1-DECEMBER 31, 1971

71970 Certain ball and roller bearings, aircraft type; and parts, n.e.c.

APPENDIX 6

SUMMARY OF RECENT ARTICLES APPEARING IN PORTUGUESE PRESS ON EVENTS TAKING PLACE IN ANGOLA, MOZAMBIQUE AND PORTUGAL

In an article entitled "The Africa Dossier", carried in the normally conservative *Telegraph*, E. H. Cookridge, wartime intelligence agent claims that the CIA has strong links with PIDE, the Portuguese secret police, some of whose officers are training in America, and that CIA "Special Forces" instructors are with units of General Kaulza de Arriaga, fighting FRELIMO in Mozambique. The CIA has also allegedly infiltrated FRELIMO Headquarters in Dar. and keeps the Portuguese informed. *Weekend Telegraph* (U.K.), January 1, 1972.

In a report by Mr. Boavida Quidado, a "Canadian journalist who spent two months in the liberated areas of Angola", it is claimed that Green Beret officers are training Portuguese troops in the United States to "defeat African freedom fighters" in Angola.—*Times* (Zambia), January 1972.

Two unidentified Boeing 707-3F5C's were delivered September 9 and December 14, 1971 to the Portuguese Air Force.—*Aviation Letter* (Sw.), January 1972.

On January 27 the Bell helicopter 212 was demonstrated for invitees at Alverca, at the Oficinas Gerais de Material Aeronautico (state aircraft factory).—*Mait Alto* (Port.), February 1972.

Two U.S. torpedo boats destroyers, the Cecil and the Fox paid a routine visit to Luanda (Angola) and Lourenco Marques (Mozambique). They carried 508 members of the crew in all.—*Diario de Noticias* (Port.), February 8, 1972.

Two U.S. destroyers visited Luanda—USS *Richard E. Krauss* with a crew of 174 and USS *Vesole* with a crew of 266. They were on their way back from the Indian Ocean to the United States.—*Diario de Noticias* (Port.), February 23, 1972.

In March, 1972, the United States Export-Import Bank granted a loan of \$US 1.8 million to the Benguela Railway (Angola) for the purchase of ten U.S. made locomotives and spare parts. The Bank will also stand security for an identical loan from the Chase Manhattan Bank, thus providing 90 per cent of the total purchase price.—*Casa de Portugal, Noticias e Factos*, New York, March 16, 1972, and *Africa* (AFP), March 17, 1972.

U.S. naval visit of USS *Rush* and USS *Roan*, U.S. navy frigates, to Luanda, for two days.—*Provincia*, Angola, April 26, 1972.

Marine Captain J. Prizza is heading a 31-man delegation from the National War College of America which arrived in Lourenco Marques for a short visit to Mozambique. They will attend lectures on the political and military situation in Mozambique and will meet the Commander in Chief of the armed forces as well as local officials.—*Diario de Noticias*, April 26, 1972.

Yesterday evening the governor-general of Mozambique gave a dinner in honor of the U.S. Ambassador to Tanzania, Claud Gordon Ross, who is visiting Mozambique.—*Diario de Noticias*, May 18, 1972.

Congolese troops shot down Portuguese army helicopter over their territory at Banga. Army Headquarters in Congo-Brazzaville announced today. The army communique said a large quantity of arms and ammunition had been seized, including NATO automatic rifles.—AFP, June 6, 1972.

The Azores Fixed Acoustic Range (AFAR) was officially inaugurated on the island of Santa Maria, in the Azores archipelago, by the Portuguese Minister of National Defence, General Horacio de Sa Viana Rebeio on May 19, 1972, in the presence of more than one hundred high-ranking civilian and military representatives of NATO nations.—NATO Review (Nato Info. Service), July/August 1972.

Arrival noted of American ship "LaSalle" in Lourenco Marques, Mozambique; with crew of 20 officers and 350 naval troops.—*Diario de Noticias*, August 9, 1972.

DETA's fourth Boeing 737 will be delivered early in 1973; the line is planning to operate a weekly service to Tananarive, Malagasy.—*Noticias*, Mozambique, August 24, 1972.

Nineteen aircraft were destroyed by Frelimo guerrillas in their attack on the Portuguese post of Mueda last week; two jet fighters, 7 helicopters, 5 Harvard bombers, and 4 reconnaissance planes.—*Daily News*, Tanzania, September 29, 1972.

Two U.S. Navy destroyers, the USS Sellars and the USS Charles R. Ware, made a routine visit to port of Luanda, Angola.—*Provincia*, Angola, October 17, 1972.

At the Air Force base Monsanto in Portugal a meeting was held of teachers from the commando school from the American Air Force and from the Escola Superior da Força Aérea Portuguesa. Information was exchanged about the experience of both schools.—*Diário de Notícias*, Port. October 3, 1972.

Nangado, the main Portuguese town on the Tanzania border, was yesterday toured by the Lourenço Marques-based consuls-general of the United States, France, West Germany, Italy, South Africa, and Rhodesia, who are visiting the Northern district of Cabo-Delgado at the invitation of Commander-in-Chief Kaulza de Arriaga. Nangado, which lies within sight of the Tanzanian side of the Rovuma River, is the center point of an ambitious plan of General de Arriaga for social and economic progress of the border population, known as "Operation Frontier." The plan envisages a string of modern towns and villages linked by a tarred road which will run from Nangado to the coastal port town of Palma. At Nangado, which three years ago was a cluster of African huts, water and power have been laid on and the nucleus of a modern town has been built. The main new constructions in operation are two primary schools, a school of arts and crafts, a hospital and cooperative warehouses to store farming produce. These will be followed by housing blocks to be built by the Africans themselves with the help of Army engineers. Farming and fishing experts have been posted to Nangado to teach modern methods of exploiting the natural resources of the area. Plans for the setting up of a television network—the first in Mozambique—have been completed by Army electronics engineers and the Nangado T.V. station is expected to be in operation soon.—*AFP*, October 24, 1972.

Two American warships made a short visit to the harbor of Lourenço Marques.—*Diário de Notícias*, Port., November 8, 1972.

Prime Minister Caetano has "as an admirer and a friend" congratulated President Nixon and his reelection "in order that the relations between our two countries remain as cordial as they have during the last few years."—*Diário de Notícias*, Port., November 10, 1972.

APPENDIX 7

[From Sunday Times (United Kingdom), July 9, 1972]

PORTUGAL WAGES CHEMICAL WAR TO STARVE REBELS

(By Cal McCrystal)

South African mercenaries have been helping the Portuguese Air Force to wage chemical warfare against nationalist guerrillas in the jungles of northern Mozambique. Secret missions by heavily armed aircraft escorting defoliant-spraying planes began three months ago in an attempt to wipe out rebel food supplies.

Firm evidence of the raids, aimed at guerrilla units of Frelimo—the Mozambique Liberation Front—reached The Sunday Times last week just as Portugal's Prime Minister, Marcello Caetano, was denying charges of waging a "colonial war" in Africa. No one, he said, can find populations in revolt or any internal uprising in Angola, Mozambique or Portuguese Guinea.

The guerrillas affected by the chemical warfare have been operating from Tanzania and are seen to control large areas of northern Mozambique. Local Africans, either sympathising with or fearing Frelimo, had made hundreds of clearings in the jungle, ranging from tiny patches to fields of several acres. These contained rows of maize, beans, peas, groundnuts and bananas.

One of the chemicals used against these areas is Convolvotox (a mixture containing 2,4D which not only kills broadleaved plants but can also inhibit fertilisation. It is manufactured by a South African firm.

Much caution went into planning the raids. On April 3, six small aircraft took off from Rand Airport at Rees, near Johannesburg, for Mozambique's International Airport at Lourenco Marques. The pilots parked in the airport's military section and were greeted by a Lt. Col. Silva, of the Portuguese Air Force, and a Beira businessman, Mr. J. J. Jardim, whose son, Carlos, a Portuguese Air Force sergeant in Mozambique, stayed with the South African pilots throughout their trip.

On the next day, the pilots flew their planes to Beira and then on to Nacala, an air base on the coast about 200 miles south of Tanzania. Here their registration numbers were painted over by the Portuguese and each pilot was given a suit of camouflage and a pistol.

On April 6, they arrived at their operations base, Nangololo, a bullet-pocked cluster of buildings and bunkers around an airstrip 40 miles south of Tanzania. The South Africans, who had been assured that the area was clear of guerrillas, were not consoled by the thousands of cartridge shells littering the base.

As the South African planes skimmed over the dense jungle at tree-top level, spraying the area with chemical, Portuguese Air Force Harvard aircraft swooped ahead of them firing machine-guns and rockets into the brush.

Overhead, two air force Fiat jets dropped 100-kilo and 50-kilo bombs.

Several spraying missions were abandoned over the next two weeks because of bad weather and ground attacks. On April 17, one South African plane and a Portuguese Harvard—bought from the US—were hit by machine-gun fire and the project was cut short. "We didn't like to let the Portuguese down," said one South African pilot, Gerry McDade, "but we didn't want to get written off, either."

The Portuguese pilots also showed signs of relief. Before one of the raids a Harvard aircraft on patrol near the Tanzanian border was shot down by anti-aircraft fire from a village on the Tanzanian side of the Rovuma River. Later, a Portuguese Air Force team flew back to the village and blew it apart, according to one of the South African mercenaries.

Each of the South Africans was paid £62.50 for a two-hour day, plus £30 an hour for every hour extra. On top of this they got a 20 per cent bonus because of the danger involved.

But the South Africans managed to spray only a fraction of the area outlined by the Portuguese. All were aware of the risk of losing their planes: in Lourenco Marques, a Government official told them that if an aircraft was shot down it would have to be destroyed to avoid any possible embarrassment to the South African or Portuguese Governments.

The South African Government's attitude seems fairly clear, however. Even though the firm which supplied the pilots and the planes for the Mozambique mission can be identified as a South African firm, a Government official said that the activities outside South Africa of a person with a valid passport were not the responsibility of the Government, provided he did not break the laws of South Africa or threaten South African security.

Philip Short reports from Kampala: Jorge Rebello, the Frelimo publicity secretary based in Dares-Salaam, has disclosed that defoliant operations in the Cabo Delgado province in northern Mozambique have continued since April—with a few weeks' respite in May after a guerrilla group shot a spraying plane.

Rebello admits that the defoliation, affecting mainly pumpkin and cassava crops, has caused problems for the guerrillas and for the local populations, but he says there is no starvation because the areas affected have been able to get food from places the planes have missed.

APPENDIX 8

REPORT OF THE SIGNING OF A CONTRACT BETWEEN DETA AND ANOTHER MOZAMBIQUAN COMMERCIAL AIRLINE COMPANY AND THE MILITARY TO PERFORM SERVICES FOR THE ARMY

"DETA"—he said—"in its duties of commercial transport has proved itself since its commencement in 1936 as a highly valuable organization and of capital importance in the soaring economy of Mozambique.

"Its concern to serve the public properly showed itself very positively only a few months ago when she acquired two jet planes for her service."

COORDINATION

This is what we call the result of the signing of the contract between the Military Forces in the Province and the Civil Entities at the beginning of March this year.

We cannot but stress the unusual event. The celebration of the Contract by the DETA Mozambique Airlines and Empresa Moçambicana de Aviação Comercial (EMAC), who will give the Military Region of Mozambique regular air transport on a charter basis.

At the ceremony which took place in the Library of the Regional Military General, there were present the Commander-in-Chief of Armed Forces of Mozambique, Provincial Secretaries of Communications and Public Works, Directors of Railways, DETA and EMAC, many heads of service, Officers-General and other high ranking armed forces officials.

The Provincial Secretary of Communications and General Kaulza de Arriaga spoke of the act, emphasizing the great importance of this co-ordination, expressed in the contract which they had signed.

This wonderful example of co-operation between the civil and military elements for the best use of certain resources at their disposal, will result, as is obvious, in unquestionable economical benefits.

All was possible, as Eng. Vilar Queiroz pointed out in his speech, because there does exist in the province a real and significant network of air transport.

To DETA he said, in its duties of commercial transport it has proved itself since its commencement in 1936 as a highly valuable organisation and of capital importance in the soaring economy of Mozambique.

Its concern to serve the public properly showed itself positively only a few months ago when she acquired two jet planes for her services.

APPENDIX 9

[From Southern Africa Financial Gazette, Dec. 15, 1972]

BIERMAN WARNS OF DANGERS FACING SOUTH AFRICA

A cool man and—as all who know him will confirm—an extraordinarily logical one, Admiral Bierman can by no stretch of imagination be viewed as an alarmist or a scaremonger. When, therefore, he issues a warning—it pays all concerned to pay heed.

In his survey of the current sub-Saharan/Indian Ocean defence situation, he makes not one but three such warnings:

The deadly dangers to all concerned of Southern Africa's total lack of international acceptability;

The equally deadly danger to the Western Alliance should Southern Africa—especially South Africa, with its big port and transport facilities—go by default to the Communists;

That the tenacious but troubled Portuguese in Mozambique must logically expect a quickening of drumfire in 1973; with a three-prong attack, by land and by sea, not beyond imagination.

Concerning the winds of ill will blowing against us, Admiral Bierman spells out the damage over and over again: that, as things stand today, this has left us marooned and isolated; has eased the way to Communist aggression against us; has made it difficult—indeed, dangerous—for any Western nation to enter into any formal alliance with us.

While Western planners and policy makers fully realize that land bases are "essential to an effective presence in the South Atlantic and Indian Oceans—most are still inhibited by the present political climate, so much so that they flinch away from the very thought of involving the White government in Southern Africa in regional defence."

As the key territory in the region, South Africa is the main target, in this bruising nerve war. "Here we find ourselves in a particularly invidious position . . . Communist powers never had colonies in Africa, the OAU therefore has no residual grievance against them."

Inside South Africa itself the position is aggravated by the complicated racial makeup and "by our conservative way of life."

Admiral Bierman goes on: "All this makes us a target par excellence—and greatly exacerbates our defence task."

Though most Western nations accept the need for stable governments in this area, "any cooperation between such a power and the RSA is denounced by the OAU and the Communists as a betrayal of Black Africa. Such accusations could prove a serious embarrassment to the nation concerned, leading to possible internal dissatisfaction, loss of important votes at the UN, disruption of trade with the Third World."

The "hate campaign" is "a most useful cloak for almost any Communist action against the White-controlled South." What's more, the Communists have "a ready-made front in the terrorist organizations and the OAU behind which to dissimulate their true intentions."

On the exploding influence of Communism in Africa, he says: "In 1956 there were only two diplomatic missions from Communist countries in African states. In 1961 there were 21; in 1965, 155; at the end of 1971 there were 273 missions operating in 37 African countries, including Madagascar and Mauritius."

Should 1973 see an escalation in the terrorist onslaught on the White South—as already threatened—what attack strategies are likely to be used?

"The Red Chinese in Tanzania and Zambia openly provide direct support for the terrorists. It is conceivable that they could, without warning, increase this by several hundred per cent. In their railway and military technicians already

in Africa—and with the arms concentrated in Tanzania—they already control ample means for this purpose.

"They could reinforce the terrorist forces with 'volunteers' from their own ranks as well as from OAU countries to unleash a Vietnam-type war in Mozambique."

There are, he points out, marked geo-political similarities between Mozambique and Vietnam. Tanzania could equate to North Vietnam; Malawi (which, though staunchly anti-Communist, dares not deny transit to unarmed terrorists) to Laos; Zambia to Cambodia.

This geographic situation is such that Mozambique could readily come under simultaneous three-prong attack.

Land forces could strike through Tanzania into Cabo Delgado, and into Tete District through Zambia, with supply lines through Malawi. This could be tied in with a naval operation, landings or harassment, on the East Coast—"conceivably with the connivance of the Soviet Navy?" Looking back, he recalls that "despite their differences, both Communist powers supported North Vietnam."

Main objective of such an offensive? To gain effective control of a specific area—"say Tete district"—so giving the terrorists an opportunity to set up "a provisional government for Mozambique."

"Such a 'liberation government' would then immediately appeal for recognition by the OAU and the UN and invoke military aid to 'establish law and order.'"

This would at last give the terrorists the bridgehead into White-controlled Africa that they have sought for so many years.

"Yet another possibility could be a Chinese surge, under cover of a 'liberation front,' directed through Zambia towards Angola and/or the RSA and Rhodesia.

"We are all familiar with Communist techniques of infiltration, propaganda and subversion. What is less familiar is the technique of 'prior presence.' This is the establishment of a significant presence in a target area before a confrontation is provoked."

A strong Red Navy presence—"in the old days known as gunboat diplomacy makes it extremely awkward for any opposition power to react after aggression.

"The only effective deterrent to such strategy is prevention; the establishment of a counter prior presence. Such presence need not be overwhelming. It need only be sufficient for the choice of confrontation on the aggressor."

WEST WAKES UP TO MENACE TO CAPE SEA ROUTE

For three years now, in season and out, Pretoria has tirelessly warned of the calamity which must inevitably overtake the West should control of the Cape Sea route—Europe's main trade lifeline, carrying 240-million tons of oil alone a year—be lost to the Russians.

These warnings (as Admiral Bierman points out) are still not regarded as sufficiently urgent to warrant a full-scale regional defense pact, incorporating Africa's controversial southern states. From a regional pact point of view, the area remains a dangerous vacuum.

But that the warnings are at last beginning to have some influence would appear to be shown by a variety of Western power moves over the last few months—most particularly, in the last few weeks. While it would be (lethally) easy to over-estimate the importance of these, nevertheless if you pattern the pieces together, an interesting picture begins to emerge.

Perhaps the two events most significant of changing attitudes have been:

The visit of Britain's naval No. 1, Admiral Sir Edward Ashmore, to Simons-town. His visit followed a Tory backbench revolt over the under-playing of the Cape route.

So concerned are these backbenchers about this route that they are urging that if NATO won't extend its defense umbrella from the Tropic of Cancer down to the Cape littoral, then EEC must do this alone, once Britain enters the Common Market; On its side, however, NATO does appear to be getting around to accepting that the upgrading of this route is in fact part of its job.

Last month, for the first time several official NATO publications urged that the organization's defense "border" be extended to meet the Soviet Navy's South Atlantic threat.

The French, with very big African interests, earlier this year endorsed a long-range plan designed to give the French Navy the means of keeping a much closer eye on this region.

Details of the scheme, code-named Plan Bleu (Blue Plan) remain secret. But it is understood that it spans 15 years and would give the French Navy added punch in the form of helicoptered carriers, nuclear-powered attack submarines and missile-equipped escort ships—plus an additional 5,000 naval recruits.

Reversing previous decisions, aircraft carriers will not be declared redundant but will be equipped with new aircraft: probably the American Skyhawk A-4, built by Douglas.

Intended to keep French supply lines open and protect French interests, the Blue Plan is of obvious interest to Africa's anti-Communist or non-Communist nations, including our own.

Even the Americans—who only a year or so back were airily dismissing the Indian Ocean as being at the bottom of their priorities—are changing their tune, to no small degree.

Admiral Elmo R. Zumwalt, Chief of Naval Operations, and the only top-ranking U.S. naval officer to emerge with his reputation enhanced in the woeful American showing in Vietnam, has urged a very much stronger U.S. naval presence in these waters.

Here he is backed up by many senior Congressional spokesmen, men who fear that if the British Labour Party should be returned, it could very easily immediately repudiate the Simonstown Agreement, suicidal to Britain though this might be.

Recently the conservative, highly influential American-African Affairs Association sent a three-man fact-finding team, including one Black political commentator, to study the Communist drive into Africa.

Its report, submitted last month, urged a "very careful assessment" of the trade position on the continent, notably the potential loss of mineral resources and overflight facilities. "If the U.S. Navy could use the excellent facilities at Simonstown and Durban, it would be in a much stronger position to cope with the Russian threat."

The American team, of course, has put its finger on the crux of the problem.

Growing Western concern over events in this region does not stem from any deep-rooted regard or over-flowing esteem for Southern Africa. What they're worried about is loss of potential large markets of the future. Understandably, judging by present East African trends.

Six years ago Peking was strictly a non-starter on these markets. In April this year Zambia contracted to buy R35-million worth of Chinese goods. Tanzania, starting from scratch in 1968, today takes 27 per cent of its total imports from Peking.

All this bears one urgent message: that someone, somewhere, should now buckle down to it and do a full-scale study of the exact interests the various powers have in this region. An objective appraisal, spelling out exactly what the Indian Ocean and Africa means to each power, could carry a lot of muscle at this particular time.

APPENDIX 10

SECRET REPORT ON FORCED LABOR AND OTHER ASPECTS OF THE POSITION IN THE SO-CALLED PORTUGUESE COLONIES

RELEVANT ASPECTS OF THE COUNTER-SUBVERSION

(Report by Dr. Afonso Mendes)

1. In 1960 the population of Angola was estimated to be roughly composed of 95,2% of African origin, 3,5% European and 1,1% Coloured. From 1950 to 1960 the group of African origin increased by 567,675 persons; that of European origin increased by 93,703 persons, and the Coloured population decreased by 23,744 persons. As a result of the problems of insecurity caused by terrorism, between 1960 and 1970 the population of European origin did not increase at a higher rate. In his book *Problemas do Desenvolvimento Economico em Angola* (Problems of Economic Development in Angola) Walter Marques, calculates on page 38 that this Province will have more than five and a half million inhabitants, of which more than 5 million will be of the negro race, which is approximately 91% of the entire population. Thus the large majority of people are of this race and this will become even more accentuated to the extent that medical assistance is improved and the present social advance comes to fruition. Nevertheless, almost all the wealth, all the positions of leadership, all the agricultural, livestock, industrial, and commercial enterprises, and the real decision-making power will remain in the hands of the European segment of the population, which in 1970 will continue to form merely a small minority as has always been the case. The positions of leadership in the public administration in Angola are filled by this segment of the population as well.

This situation results in a striking economic inequality between the "white group" and the "black group". This leads to social inequality and to the maintenance of cultural inequality.

These differences have combined in provoking a large polarization between the two groups of the population. Through the abolition of the "indigenato" an enormous effort was made to reduce this polarization and this effort still continues by means of education, free labour, the increased appeal to qualified workers of African origin, a better protection of the land property rights, the social elevation of the Africans and the abolition of discriminatory measures and practices. But the road is long, difficult, and time-consuming, and the goal in view, to level the conditions of life of whites and blacks remains hypothetical. As long as progress continues to take place, if this is possible, there will still be stimulation for immigration from Europe.

It is irrefutable that a wide and deep gap between the two population groups now exists. It is difficult to reduce this gap due to the possibilities of the African to compete, due to their customs and their low level of education.

The ultimate consequences of this gap will irrevocably lead to racism, more on the part of the blacks than on the part of the whites, although certain attitudes of the white man, particularly of the "petit blanc", may also be placed in this abominable category of human relations.

This panorama of Angloan life, which is sketched very consisely and with the most somber tones, is intended to clarify the existence of grave "social lags", which are the origin of cracks through which subversive forces penterate with their mission of disruption to win the sympathy of the malcontents. And in the case of Angola, these malcontents may constitute more than 90% of the entire population!

But the subversive elements try to undermine the instinctive solidarity within the dominant minority group, the whites, in which a great part of the mestizos and some increasing tens of thousands of blacks are integrated, by exploiting the many motives for discontent, the lack of confidence in the future, the rivalry between the sub-groups, through arousing expectations and ambitions—

in short, by disruption. It would be ideal if time would permit and if a detailed knowledge of our society were present to allow an account of all the "social lags" which can be exploited by the subversion. In that case we would be able to put an end to these cracks or to neutralize them as instruments useful to the ENEMY. Perhaps it would be advisable to make an exhaustive study of this aspect later.

However, it is already within our reach to give a general indication of some failures of our social structure. This is the subject of the following points.

2. The subversive forces attempt to turn the African masses against our political and administrative authority and against the presence of the white population in the Province. For that reason they do everything they can to agitate these African masses, to dissociate them from the Europeans, to spread black racism among them, and to make them believe in the chance for an easy, prosperous and happy future—in short, to mobilize the masses to serve their ideology and to pursue their aims.

Consequently, it seems logical that they make use of:

(a) Errors and abuses committed in the very recent past by our political and administrative structure.

Slavery, the pacification wars, the abuses of power, physical violence by administrative authorities, forced labour with all the accompanying consequences which are unpleasant to relate, misuse of guardianship during the "indigenato" regime, administrative measures, the confiscation of lands which belonged to the community by customary law and were not destined for individual ownership, the dislocation of the population, the compulsory cultivation, the numerous offences against the traditional laws and the African system of values, etc. etc., certainly form the themes for well-known stories, legends, and tales in the long community gatherings which are so peculiar to the black population. Here the white man will always be presented as a bad and greedy creature, as the sole cause of all the misery of the past, and as destined to be the traditional enemy of the black man. And because the white man was like this in the past it will be considered that it is very probable, it will continue to be so in the present and the future. The population will therefore be susceptible to a large degree to the subversive doctrines.

This is why we cannot afford to neglect this fundamental aspect of subversion which opens the door to the advance of the enemy.

Suggestion: We must create a doctrine as quickly as possible which justifies the errors of the past and minimizes their consequences. We must strive to project and enlarge our work and emphasize its many positive aspects.

(b) The immense discrepancy between the standard of living of the African population and the population of European origin.

The reality is so obvious that it would merely be a waste of time to try to demonstrate this. The ENEMY will certainly take advantage of this by presenting it as irrefutable proof of the continuation of the exploitation of the blacks by the whites.

Suggestion: We must spread the idea that this discrepancy results from the Africans' lack of education, their smaller desire to work, and their doubtful spirit of enterprise. Various examples must show that the black man, if he desires, has the same opportunities as the white man. The Government is now trying to elevate the negro population economically through education and by technical and material assistance. But they must cooperate. Finally, we must create a propaganda which guides the population and directs their attention toward the joint task of economic development.

(c) Several cases of the abuse of power give the impression that people of African origin do not enjoy the same rights as others and that they are subjected to heavier obligations.

Certain cases of the abuse of power by various officials, the paternalistic tradition of the "indigenato", and the distrust of the negroes which is dominant among a large number of the Europeans underlie the application of special measures to persons of African origin which do not apply to members of the white group. As long as these measures are practiced and these attitudes are maintained, the ENEMY can always present itself to the indigenous population as a liberator and an ally.

Suggestion: We must try to force the authorities, especially those of the administration and the police, to treat the Africans as Portuguese citizens, to respect their human dignity and their rights, and also to support them in their problems and their needs. These authorities must not act like bureaucrats who take refuge behind formalities and legal regulations that are likely to make it more difficult

or even impossible to solve these problems, but must be people who try to win the sympathy of the black population and who try to help them.

(d) The increase in the agricultural activities and cattle breeding has always caused the Africans to be driven from the lands which they always considered their own or the property of their community. They consider this to be a serious offense and a theft which not only deprives them of their present means of subsistence but also of all their hope for the future.

This type of abuses committed in the pats in Cuanza Sul, in Cuanza Norte, in Uíge, in Benguela and lately in Huíla, are terrible recollections of the Africans which easily lead to sympathy for the ENEMY and can even lead the Africans to support its activities.

Suggestion: in the concession of land we must take the utmost care to respect traditional rights of the Africans and, if these rights must be infringed upon, there must be prior agreement and a fair material compensation, with a replacement of lands which enables the displaced group of individuals to continue the farming. The given compensations and guarantees must be entirely publicized.

(e) A large difference exists between the wages of the African worker and of the worker of European origin.

The average monthly wage of the rural worker and similar workers, always of African origin, is 600 escudos whereas the urban workers, who are predominantly of European origin, get six times as much. It must be taken into consideration that the first group represents about $\frac{3}{4}$ of all the workers. In as far as this situation has not yet been fully exploited by the ENEMY propaganda this is bound to occur and will place another dangerous weapon in its hands.

Suggestion: The rate at which are harmonized, although already in progress, must be increased by the establishment of minimum wages for the agricultural sector, by liberalizing the freedom of movement of the workers and by extending the activities of the labour inspection.

(f) There is a wide range of obstacles to the mobility of the agricultural workers which is necessary for the desired improvement of the general labour conditions. Displacement of urban workers is facilitated. Aside from the consequences in the working sector, this fact can be used as evidence for one more discriminatory measure against the blacks.

In order to escape from the present unsatisfactory situation it is a "*conditio sine qua non*" that the rural workers have the possibility to choose their employer and their work, to discuss the working conditions, and to resign from that work if it does not meet their expectations or the promised conditions. As long as the employers continue to use professional recruiters and contract workers to satisfy their labour needs, marked progress cannot be expected in the improvement of working conditions and in particular, in the type of relationship between employers and employees.

At the present time there are still many obstacles not only imposed by the civil authorities, but the military and para-military as well: all this under the pretext of defense reasons. Once we understand the importance of removing the argument of the ENEMY that the black workers are exploited and of convincing the black workers that conditions are now improving for their benefit, we must recognize the necessity to consider the point.

Suggestion: To encourage a form of population control which does not conflict with the freedom of mobility of the rural worker. The authorities must be convinced to respect that mobility.

(g) Administrative authorities still frequently intervene with repression against workers at the request of the respective employers. We can see and verify recently a similar intervention of the police and paramilitary authorities. The cases of extreme physical violence are not few.

In legal terms this intervention is designated as "forced labour" and is considered to be morally wrong and punishable by a maximum of two years imprisonment. This extremely bad example by the officials has been followed by the employers who do not hesitate to inflict physical punishment for any negligence or irregularity of the workers. Such practices arouse the hatred of the blacks which facilitates the expansion of the subversive action of the ENEMY.

Suggestion: To impose upon the civil, military, police, and paramilitary authorities that they must abstain from intervention in the conflicts between employers and rural workers, which should be left to the courts. Physical punishments, which are illegal, must be ended for good. Naturally, subversive attitudes of the workers must be fought, but only by specialized organizations, and only when proved.

(h) The non-payment of salaries and other grave offenses committed by the employers are not punished effectively, which gives those workers affected the impression that the white man continues to do whatever he wants with impunity.

There is an unsufficient number of Labour Tribunals and they are often very slow to take decisions. It frequently occurs that workers in remote districts have to wait a long time before their wages for one or more years are paid. This delay is incomprehensible to the workers who conclude that they are still not under any protection. And what is serious, they spread that opinion to create a climate of hopelessness which is advantageous to the activities of the ENEMY.

Suggestion: To enforce more efficiency and rapidity in the administration of justice either through the establishment of new courts or through the creation of adequate labour legislation.

(i) The individuals of European origin deliberately and maliciously insult the Africans in their daily contact with attitudes based upon an unmistakable hostility.

These attitudes make the differences more pronounced with which the ENEMY intends to separate the whites from the blacks, which is bad.

Suggestion: Develop a propaganda campaign directed to encouraging the mutual understanding between both groups.

(j) The principle of non-discrimination on ground of ethnic origin is a legal principle of ours which is not always observed in day-to-day life.

Anyone who is somewhat familiar with the life of our Province knows that this is so. No other argument is used as widely by the ENEMY as evidence of the lack of honesty and sincerity of the Portuguese actions in Angola. With these arguments the ENEMY tries to make the African population believe that with the presence of the European element their future is unlikely to ameliorate. And we know how the hopeless react.

Suggestion: To direct the campaign suggested in the previous paragraph to fight all deviations from the legal principle of non-discrimination.

(k) The absence of economic ties in the urban centers makes the African population an easy target for subversion. This subversion is reinforced by the supporters of the ENEMY who spread the idea that there is everything to win and nothing to lose.

The housing problem in the urban centers will eventually become a heavy argument used by the ENEMY to the advantage of his campaign of subversion.

The fact that the blacks do not participate in the commercial and industrial activities constitutes one more aspect of the lack of economic ties and fixed material interests. This leads to the absence of a black middle class which is conservative by nature and not easily susceptible to revolutionary doctrines and movements.

Suggestion: Creation of a system of credit capable of stimulating the birth of a black bourgeoisie. Development and execution of an adequate housing program based on resolvent property rights (propriedade resolúvel).

(l) There is a social legislation exclusively for Africans (CTR) which is considered to be the legal establishment of a discriminatory regime.

Suggestion: Unification of the social legislation in force.

3. There are reasons for dissatisfaction, disruption, rivalry, and uncertainty for the future within the ethnic minority which consists predominantly of Europeans, in which the coloured and the socio-economically advanced blacks are beginning to become integrated. The enemy seems to be concentrating more efforts in disrupting this group through known techniques of propaganda.

In this connection, it is necessary for the public administration to develop a program directed to this group which eliminates the unjust and often unreasonable inequalities. A spirit of hope in a better future must be instilled in this group which will lead them to unify in common defense. It must be made easy for them to purchase real estate which would tie them to the Province.

It is therefore important to make a study of the composition of this group and of the reasons for dissatisfaction in order to eliminate them, or if this is not possible, to minimize them.

The numerous problems which lead to internal dispute must be studied in order to find a solution which is not in conflict with the construction of a society of peaceful, fruitful, and multiracial coexistence in which the value of the individual, regardless of ethnic origin, forms the only basis for success.

This is the only goal we consider to be reconcilable with the final victory against subversion and with the permanent consolidation of Angola as a dear and important part of the Portuguese Empire.

4. Contrary to our original intention, we have considered aspects and suggestions of a general nature which are somewhat difficult to express in concrete terms.

Contrasubversion can only be effective through extensive social, political, and administrative reforms. Considerable resources are required in this, as well as in counter-guerilla warfare, because they both form a fundamental line of defense in the struggle which we are fighting for, the integrity of the Nation. Unfortunately, there has not yet been an indication of the willingness to mobilize the manpower and the legal and executive power which is indispensable to achieving these aims.

And time is on the side of the ENEMY.

We consider the local measures to be merely temporary substitutes which, although useful, are far from the global solution which is required.

APPENDIX 11

THE CAPE ROUTE AND THE INDIAN OCEAN—A REPORT BY BARBARA ROGERS (1973)

THE PRESSURE FOR UNITED STATES INTERVENTION

Both alone and without NATO, the US Government has shown increasing interest in a naval presence in the Indian Ocean, which would involve some degree of collaboration with the minority regimes of southern Africa. There are also powerful special interests, inside and outside the United States, which are presenting very forcefully the case for alignment with the southern African regimes, and which use the "strategic importance" of their coastlines, and any Soviet shipping in that general area, as a justification for that alignment. A major assumption, usually not explicitly stated, is that independent African countries are irrevocably under the influence of "Communism"; the white minority regimes then become "bastions of Western Christian civilization", and defenders of democracy. Presented as allies in the East-West confrontation, the intrinsic North-South (rich-poor or Black-White) conflict which is perhaps far more basic to present-day international relations is ignored. It is in fact exacerbated by the argument that the US should ally itself with white racism in the name of anti-Communism. The arguments are of course familiar in the context of the civil rights movement in the United States, where there were constant accusations by white racists that the movement for equal rights was led by "Communist agitators".

In pressing the theory of the strategic importance of minority-ruled areas of southern Africa, there have been a number of heavily financed conferences, and publications. Some of the conferences have been held very quietly, but at an impressive level of seniority in Government, academic and commercial institutions. The organizers have included the prestigious Georgetown Center for Strategic Studies, George Washington University (which appears to be funded by Gulf Oil, heavily involved in Angola, and the Portuguese-based Gulbenkian Foundation; a sympathetic book on Portuguese Africa was produced by David Abshire at the Center, and he then moved into Congressional Relations at the State Department). The American-Southern Africa Council has also run a conference on the Indian Ocean, for which a contribution was received from the Rhodesian Information Office, registered as an agent of the illegal "Government of Rhodesia". (Accounts of the R.I.O. on file with the Department of Justice under the Foreign Agents Registration Act.)

While most of such promotional activities can be identified as linked with foreign interests (allied with recognizable racist elements in the United States), and therefore perhaps not particularly credible, their influence with certain political planners and legislators is in fact considerable. One need only recall the successful campaign, in the name of "national security", to make the United States Government violate sanctions against Rhodesia, a treaty obligation and therefore, under the Constitution, the supreme law of the land. The argument that Rhodesian chrome was of vital importance to the United States potential for war was instrumental in persuading Congress to violate this treaty obligation, even though it could be shown that the argument was fallacious (since there was an enormous surplus of chrome in the military stockpile, which the Administration was trying to get Congress to sell off). Similarly, the plausible arguments about US "national security" depending on an alliance with the white regimes of southern Africa can be shown to be fallacious; however, they continue to carry enormous weight with many decision-makers, because of the public relations facilities and network of crucial contacts in Government which the proponents of the argument can command.

The experience of British Government policy is illustrative of the influence enjoyed by the southern Africa lobbies and their domestic allies. In 1970 a study group of known sympathisers with the South African regime, on the right wing

of the Conservative Party, produced a policy paper on the strategic significance of the "Cape route" and the Azores and other areas held by the white minorities. Although strategic planning experts inside and outside the Government declined to take this paper seriously on the basis of its arguments, within a few months the new Conservative Government was in power, and its first major act was to announce the sale of arms to South Africa, in violation of the international arms embargo.

The political strength of the lobby should not therefore be underestimated, and further study of the issues put forward by it is necessary in order to test their validity.

SHIPPING AROUND THE CAPE—A THREAT FROM THE SOVIET NAVY?

A preliminary examination of the argument that, with a substantial proportion of European and North American imports, including oil, arriving from Asia via the "Cape route" the Western supply lines are endangered as they round the Cape of Good Hope, South Africa, reveals the following considerations:

(1) The merchant shipping in the area includes some of the growing numbers of Soviet commercial vessels. Any Soviet attack on Western merchant ships off the Cape would expose their own to much heavier attack (which can very easily be launched from South Africa). Each year over 500 Russian freighters pass through the Indian Ocean and round the Cape, and a large number of them constitute part of the Soviet Union's vital *internal* trade system, since they carry freight from Vladivostok around Africa to Odessa on the Black Sea. This eases the burdens on the trans-Siberian rail link, which gives priority to military supplies. Much of the Soviet Union's external trade also crosses the Indian Ocean.

(2) The experience of the Second World War indicates that the only feasible protection for merchant shipping is not naval bases on shore, but the organization of military escorts for convoys.

(3) The idea of an unprovoked Soviet attack on merchant shipping in one area is generally discounted in the nuclear age.

(4) The Soviet Navy's theoretical capacity to mount an attack on merchant shipping is generally a factor of the ease of access from a base. There are no Soviet bases in Africa (although their courtesy calls to African ports tend to correlate with the trend towards Western collaboration with the white regimes, resulting in e.g. US port calls in Mozambique). The Cape of Good Hope is at the furthest point from any Soviet naval base.

(5) If the Soviet Navy were to attempt to disrupt Western supplies coming by sea, the logical point of attack would be where the shipping lanes converge into areas of high density of shipping, especially for tankers. The key areas for this are the Persian Gulf, the Straits of Malacca and the approaches to European ports and the English channel—all thousands of miles from the Cape. Soviet vessels are also vulnerable to counter-attack at these points, and even more so at the narrow approaches to its Baltic and Black Sea ports, which receive 90% of Soviet sea-borne trade.

(6) The "strategic importance" of South Africa is often declared on the assumption that cargo vessels and oil tankers stop at South African ports, as an alternative to using the facilities of the Suez Canal. In fact, however, port traffic at South African ports has not shown any significant increase which can be attributable to the closure of the Suez Canal; on the contrary, the closure accelerated the trend towards larger, long-range cargo vessels and oil tankers that cannot use the Canal, and equally are far too large for the limited South African ports. Oil tanker lanes are so far out from the Cape that they cannot even be seen from there, and increasingly, cargo vessels also go past without stopping. In a random check at Cape Town recently, the Shipping Editor of the *Cape Times* found only two small Soviet vessels there.

(7) The Soviet Union has an obvious interest in encouraging Western fears of "Communist infiltration" of Black Africa, since open alignment by the US and other Western countries with Africa's enemies, the white regimes, forces independent countries into closer cooperation with the "Communist" countries as a matter of self-preservation; without the Western/racist alliance, attempt at Communist "subversion" in Africa would be extremely difficult if not impossible, as the Soviet experience with Africa in the 1960s demonstrates.

Soviet interest in publicising and promoting the Western alliance with South Africa was illustrated by an incident at the 1971 Commonwealth Conference in Singapore. In the middle of very heated debate on British arms sales to South Africa, with many African Commonwealth countries threatening to walk out of

the organization, a Soviet warship appeared off Singapore, which was hailed by the British as proof of the Soviet "threat" in the Indian Ocean, and the resulting need for arms sales to South Africa. That the Commonwealth, a purely Western-oriented group, survived was not the fault of the Soviet Navy.

CONSEQUENCES FOR THE INTERNAL STRENGTH OF THE US AND NATO OF NAVAL INVOLVEMENT WITH SOUTHERN AFRICA

(1) *The U.S. Navy*.—With the racially-based mutiny on U.S.S. *Kitty Hawk*, and a rash of racial incidents in the US Navy, recently investigated by the Congressional Black Caucus, it is clear that any question of overt and prolonged involvement by the U.S. Navy with white regimes repressing African majorities would tend to increase the dangers of serious tension within the U.S. Navy. There have been increasing numbers of US Navy port calls in Mozambique, and there is talk of the Navy having the ban on port calls to South Africa removed. That could be the cause of immediate conflict in the already tense atmosphere of many Navy vessels, probably with a far more immediate effect than visits to Mozambique ports because of the explicit racial discrimination in South Africa. In Mozambique the colonial war against the Africans does not yet affect the ports and major cities; however, the fact that there is a war going on in that country makes the possibility of African-American mutiny against alliance with the Portuguese perhaps more dangerous in the long run.

(2) *NATO*.—Opposition to the NATO alliance, mainly in Europe but now beginning in the African-American community, is based almost exclusively on NATO's involvement with Portugal at the same time that Portugal is deeply involved in a colonial war in Africa: and the resulting use of NATO training and weapons against Africans. Regardless of the accuracy or otherwise of the charges made in this connection, the image of NATO being the real power behind the Portuguese front in Africa is firmly established in certain quarters, and increasingly so in African countries which are in danger of involvement through Portuguese "preemptive strikes" into their territory, when the fight to contain the liberation movements in Mozambique, Angola and Guinea-Bissau seems to be faltering. Statements from Tanzania, Zambia, Senegal and other African countries increasingly focus on the NATO alliance as the real enemy of African independence and security. At the Organization of African Unity and United Nations conference on southern Africa held in Oslo, April 1973, one of the main points of agreement was the overriding need for NATO to be excluded from involvement in Africa and the oceans around Africa. Meanwhile, public pressure in Europe and North America has resulted in the Scandinavian countries, followed by the Netherlands and, surprisingly, Canada raising the question of Portuguese wars in Africa within the NATO context.

It is being recalled in discussions of Portugal's membership and use of NATO that Portugal was originally admitted, in 1949, at the proposal of the United States; and that the motivation was not primarily the geographical position of Portugal itself (which, in the absence of Spain from NATO, is in question), but also NATO's colonial possessions, such as the Azores, the Cape Verde Islands (off the coast of Guinea-Bissau, or Portuguese Guinea) as well as the three major African colonies. An article in *Foreign Affairs* in 1952 ("Portugal's Strategic Territories", 1952 p. 321) states:

"The strategic importance of the Azores hardly needs emphasis. The Cape Verde Islands, which hold the key to the southern part of the Atlantic, are no less important as bases, lying as they do off the French West African coast . . . Angola and Guinea, with 1816 kilometers of coast line on the Atlantic may be regarded as an integral part of Atlantic defense. They also offer a vital outlet to the inland territories of Africa. (Emphasis added.)"

This kind of reasoning, which reappears in current attempts to justify an extension of NATO area South of the Tropic of Cancer, at present its Southern limit, is indicative of the tendency right from the beginning to equate NATO (which is an instrument of the Cold War) with colonialism in Africa as if it were the logical alternative to Communism. The fact that Portuguese colonialism is incompatible with the stated ideals of NATO, which stress participatory democracy and human rights, is usually ignored by proponents of further involvement with the colonial wars against Africans. As Salazar explained to the population of Portugal, joining NATO did not mean he accepted the ideological principles of the Preamble to the NATO treaty. In 1949 he told the National Assembly:

"The definition of this ideology (of democracy) is obviously unfortunate . . . and suffers from vacuousness and imprecision of certain formulas that are already worn out and disturbing because they are employed everywhere in the most diverse interpretations."

It is obvious that critics of NATO, both inside and outside the alliance, can use Portugal's clear contempt for the ideals it purports to defend as an argument against NATO itself. The argument is strengthened by the strong element in NATO circles favoring alignment with South Africa and Portugal in the colonies. In November 1972, the Military Committee of the NATO conference of parliamentarians in Bonn passed a resolution calling for NATO to extend its activities to the Indian Ocean, and provide NATO protection of the "vital" shipping routes around the Cape. The report was presented by Patrick Wall a well-known British supporter of the Southern African regimes.

(3) *The South East Atlantic Treaty Organization (SATO)*.—There have been repeated discussions in the press and various organizations of a parallel organization to NATO being formed for the South Atlantic, based on the Navies of South Africa, Australia, Brazil and Argentina. There have been various exchanges, as for example courtesy calls exchanged by the South African and Argentine Navies; considerable concern continues to be expressed about the possibility of such an alliance being formed. However, this now seems less likely than one or two years ago. Argentina has suffered from criticism of its existing involvement with South Africa: exchange of Embassies and trade missions, exchange visits by the nuclear energy officials of both countries, South African tennis teams visiting Argentina, and Argentine promotion of the "dialogue" between the United Nations Secretary-General and the South African Government over Namibia, later condemned by the OAU: Government spokesmen discount the possibility of a naval alliance with South Africa as a pipedream of the Admirals, Australia now has a Labour Government, with a strongly anti-South African foreign policy. Even Brazil, which is extremely sympathetic with the white regimes and frequently votes with them against the rest of the United Nations, is becoming careful about its relations with independent African countries.

THE INDIAN OCEAN: THE U.S. PRESENCE

It is widely assumed that the Soviet Navy has been building up a large force in the Indian Ocean, which had hitherto been a relatively peaceful area but, with the British withdrawal from East of Suez after 1968, suffered a power vacuum that the Soviets are threatening to exploit to the detriment of the West. This is contradicted by two basic facts:

(1) Soviet Naval presence in the Indian Ocean has been only very recent; it has been inconsistent, sometimes non-existent, and at no stage more than a token force. Vessels have been present in the Indian Ocean only since 1969; at the peak in 1970 there were only 20 craft in that vast ocean, including submarines and support craft. The largest ship so far has been much smaller than the average US carrier. The fleet has had no capacity for a confrontation with a US force, and was even unable to intervene in the American mining of ports in North Vietnam, which theoretically come under the fleet's protection. In April 1972 the Chairman of the U.S. Joint Chiefs of Staff, Admiral Moorer, stated that the Soviet presence was less in 1971 than in 1970, and less than half the British naval presence in the ocean in 1971.

The Soviet Navy has no shore bases in the Indian Ocean, and above all no air cover. It relies for bunkering facilities on neutral ports, and is supplied by merchant vessels. Its communications with vessels in the Indian Ocean are based in Somalia. The *Economist* (London, December 16, 1972) has suggested that "the Russians may have reached the maximum number of ships they can support without a regular base." A publication on the Indian Ocean for the International Institute of Strategic Studies, by Geoffrey Jukes, published in June 1972, called the Soviet presence "much exaggerated", and pointed out that in 1970-71 a "major force" left Vladivostok before Winter locked in shipping there, arrived in the Indian Ocean in December-January, and left in April-July. A "minor force" arrived shortly afterwards, and left before the return of the first group. Such an erratic presence would hardly seem to constitute more than a token presence, dictated by seasonal convenience. The Report quoted official British and American statements to the effect that there appeared to be no large Soviet submarine force operating. (*The Times*, London, June 16, 1972)

(2) The British naval presence has not in fact been run down so much as the cost shared with Australia, New Zealand, Malaysia and Singapore for the Far East, and with the US in some places for the Persian Gulf. The network of British bases remains: an air base on Masira Island, off the coast of Oman; Gan in the Maldives Islands; Diego Garcia (now taken over by the US as a communications facility, of particular usefulness in guiding the atomic missile-carrying submarine fleet in the Indian Ocean); Cocos Island, Australia, 100 miles south-west of Singapore; the Australian communications and intelligence base in Singapore itself; and also the big "spy" base in Northern Australia. The US also has massive facilities in South-East Asia, the Philippines, Guam in Micronesia, Bahrain, Kagnew communications base in Ethiopia, and elsewhere. With the opening of the US base on Diego Garcia in the middle of the Indian Ocean on March 23, 1973, the United States was seen the first power to establish a military base on foreign territory in the ocean itself (*New York Times*, June 18, 1973).

Taken together with the French facilities at Diego Suarez, Madagascar (reduced, but not cancelled, in June 1973); in the Comoros Islands; in Reunion; and at the expanding base in Djibouti, it is apparent that any "vacuum" in the Indian Ocean has not been filled by the Soviets. The US Navy vessels alone which enter the Indian Ocean are out of all proportion to the Soviet presence; during the Indo-Pakistani war the US sent the nuclear aircraft-carrier *Enterprise*, and nine accompanying ships, into the Indian Ocean. At the same time, in January 1972, it was announced that the US Seventh Fleet would extend its area of operation into the Indian Ocean area, and would be making more frequent patrols there. The Government of India conveyed to the United States Government its concern over this announcement. (*Times of India*, November 24, 1973.) Great concern has also been expressed by many of the countries bordering the Indian Ocean about the Diego Garcia and other US bases, and the buildup of the Western naval presence there.

THE INDIAN OCEAN AS A ZONE OF PEACE

Soviet naval deployment in the Indian Ocean began only after a Soviet proposal of December 1964, that the Indian Ocean be declared a nuclear-free zone, met with no response from the Western powers. Whether or not the idea of leaving the Indian Ocean free of any naval build-up is in fact an actual policy objective of the Soviet Union, the proposal for a nuclear-free zone makes it appear the victim of aggressive US expansion in the eyes of key countries bordering on the Ocean. In fact, it is clear to these countries that the Soviet Union does have an interest in avoiding an arms race in the Indian Ocean, since it has no particular reason to deploy weapons there, as compared to US reluctance to withdraw, based on the fact that it can cover large areas of the Soviet Union with its submarine-carried Poseidon missiles from the northern part of the Indian Ocean. US claims of a Soviet naval build-up, which is provoking a US reaction, is not therefore given much credibility on the Indian Ocean littoral. As the *Times of India* (December 22, 1972) has expressed it, "the crucial decisions will be taken in Washington". The decision by the United States to sell large quantities of sophisticated arms to Persian Gulf states was also seen by some States as building dangerous new tensions, while continued intervention in South East Asia makes the peace-loving image still less credible.

In the 1971 General Assembly of the United Nations, Sri Lanka (formerly Ceylon) and India sponsored a resolution declaring the Indian Ocean to be a "zone of peace". The Non-aligned Conference in Georgetown, Guyana, also passed a similar resolution in November 1972, and the 1972 General Assembly reaffirmed the position in December with an appeal to halt the expansion of military presences there, and to eliminate all bases, military installations or means of deploying weapons used in the Indian Ocean as part of Great Power competition. The latter resolution was adopted 72-0, with the unusually large abstention of 35. It is notable that most of the Asian, African and Latin American countries were in favor, as was China (which considers itself a "Third World" country), while the NATO and Warsaw Pact powers abstained, together with Portugal and South Africa, most significant being Australia. The supporters included almost all of the littoral countries. A 15-nation "ad hoc" committee was formed to suggest "practical measures" to promote the idea of a zone of peace in the Indian Ocean; all the member-States bordered on the Ocean.

CONCLUSION

Superficially convincing arguments about the Soviet build-up in the Indian Ocean to threaten Western supplies there and around the Cape are in fact distortions of the situation in the area, and amount to the opposite of the truth as perceived by the concerned neutral states of the littoral. From there, it appears that the United States Government is leading the militarization of the Indian Ocean, with overwhelming superiority in communications facilities, military bases, submarine fleet, and surface naval force capable of deployment in the Ocean. With all countries' merchant vessels threatened by any conflict, particularly those of Japan, India, China and the Soviet Union as well as the littoral states, claims that Western supplies are in a uniquely dangerous position are unlikely to be generally accepted. With the rising demand for the Ocean to be created a zone of peace, or at least a nuclear-free zone, the US Navy is likely to be perceived increasingly as the major aggressive force.

This picture is encouraged by any indication that the US is aligning itself with the minority regimes of southern Africa, whether by the Azores Agreement with Portugal, sales of arms and equipment to military and civilian purchasers in the minority-ruled countries, port calls, the "communication" policy, vetoes at the United Nations of strengthened sanctions against Rhodesia and reinforcement of the blockade, or any other aspect of the increasingly friendly relations between the US Government and the minority regimes. The small but powerful elements calling for even closer collaboration with these regimes, based on a questionable rationale of US "national security", tend to confirm suspicions of US integrity and democratic principles.

Since most NATO members are former colonial powers, and since US policy gives prominence to Europe and to NATO, there is a natural danger of the United States Government being drawn into a defense of colonialism in the name of NATO. Curiously, however, at this point in time the United States is way behind many European countries and Canada in the reevaluation of the NATO involvement of Portuguese colonialism.

It is therefore necessary for a conscious effort to be made to apply hard-headed rationality to the question of strategic implications of present trends in southern African policy. In particular, account needs to be taken of the advantage to other powers' propaganda of apparent American backing for colonialism and *apartheid*. A distinction has to be drawn between "Communists" and newly independent countries—a distinction which is frequently blurred, deliberately. To the layman, "national security" is based on the fear of people different from himself, whether ideologically or physically; the strategic planner, however, has to be able to distinguish between the two factors. If they become confused, the consequence is anti-Communist backing for racism, leaving the vast majority of the countries of the world, and the overwhelming majority of its population that is not White, with little alternative but alignment in self-defense with "Communist" powers.

APPENDIX 12

SPEECH ENTITLED "U.S.-AFRICAN INTERESTS: A FRANK APPRAISAL"

(By David D. Newsom, Assistant Secretary of State for African Affairs, made before the Royal Commonwealth Society in London, England, March 14, 1973)

The U.S. relationship to Africa is both old and new. It has been both romantic and realistic. It has been both positive and negative.

Central to our relationship to Africa is the ethnic tie, based on the enforced migration to America of slaves, largely from the west African areas of Nigeria, Dahomey, Togo, and Ghana.

One of the most neglected realities of American history is the fact that our nation started out as a multiracial society. Nearly one-fifth of the persons living in America before the American Revolution were of African descent. The census of 1790, virtually the first national act required of the Federal Government by the new Constitution, counted 3,929,000 persons, of whom 757,000 were black, including some 60,000 free men and 697,000 slaves.

The enormous waves of immigrants from Europe in the 19th century and early 20th century tended to diminish the proportion of all the original groups in the total population, but persons of African descent still form about 11 percent of our population. In their search for their roots in Africa, for their identity as Afro-Americans, and in their contribution to our own and world culture lies much of the dynamism of my country's link with Africa.

The existence of our own civil rights problems means also that the complex issues of southern Africa are seen, whether rightly or wrongly, as mirrors or extensions of our own racial difficulties. There is, consequently, among both blacks and whites, a special attention to these problems. There exists, not unnaturally, the same divergence of opinion toward these problems that one finds toward our own domestic issues.

The black community's interest in Africa goes back to the early 19th century when freed slaves, with the help of white contributions, formed the American Colonization Society to found settlements in west Africa, which eventually became the Republic of Liberia. Today, the nation of Liberia, while not tied to the United States in any political way, still remains a special symbol of our links with Africa.

The 19th century saw the romantic period. Americans followed with fascination and admiration the adventures of European missionaries and explorers making their way into "the dark continent." Henry M. Stanley's exploits brought the African scene closer to home. The first U.S. missionary activities in black Africa began in the early 1800's in Liberia and Sierra Leone.

American trade with Africa began in the very early days of our Republic as clipper ships from Massachusetts rounded the Cape of Good Hope, seeking spices and timber in East Africa and beyond. We signed a treaty with Zanzibar and Muscat in 1832.

As political movements began in Africa in the 20th century, their leaders found special interest in the history of the American colonies, if you will forgive me, in their struggle for freedom. The writings of Paine, Jefferson, and others struck responsive chords. Some of the dissimilarities were overlooked and the similarities seized upon.

Many of the political leaders in independent Africa were educated in the United States—Nkrumah of Ghana, Banda of Malawi, and Azikiwe of Nigeria.

AFRICAN EXPECTATIONS

As a result of these ties African nations entered their independence with great expectations of the United States.

With knowledge of the Marshall plan still fresh in the minds of many African leaders, there was expectation that the United States would provide massive assistance to Africa.

With an awareness of the writings of the early Americans and of Lincoln, there was the expectation that we would take the lead in supporting the struggle for independence in Africa. Strong sentiments on existing independence movements were expressed frequently in the United States, giving further support to this expectation.

A knowledge of the power and wealth of the United States fed expectation of a degree of influence that could, if it wished, change the internal policies of African governments and right the wrongs of colonialism and apartheid.

Each of these positive expectations had, in a sense, a reverse side.

The fact that Africans identified with America's support for independence fed concern among expatriates and former colonial powers that we were out to replace them.

Natural rivalries of commercial competition served further to feed these anxieties about our intention.

The image of the wealth of the United States held by some Africans served to create apprehensions regarding the exercise of that wealth. The United States became feared—and envied.

The impressions of U.S. influence, sparked by books such as David Wise's "The Invisible Government," which concerns U.S. intelligence operations, gave rise to fears and allegations of U.S. political manipulation. The Central Intelligence Agency became an ogre and a symbol.

The last few years have been spent getting the United States and its relationship with Africa in focus. Particularly has this been true during the past four years, when, in the words of President Nixon, we have sought a relationship of candor:

"Africa's friends must find a new tone of candor in their essential dialogue with the Continent. All too often over the past decade the United States and others have been guilty of telling proud young nations, in misguided condescension, only what we thought they wanted to hear. But I know from many talks with Africans, including two trips to the Continent in 1957 and 1967, that Africa's new leaders are pragmatic and practical as well as proud, realistic as well as idealistic. It will be a test of diplomacy for all concerned to face squarely common problems and differences of views. The United States will do all it can to establish this new dialogue."

U.S. POLICIES

Our policies toward Africa rest, to start with, on a clear definition of U.S. interests in Africa.

First, there is the historic and ethnic interest in Africa. While in many ways the black groups in America still concentrate almost totally on domestic issues and have not yet developed a visibly effective constituency for Africa, the interest is there. No American policy toward Africa can ignore this deep and growing interest in a meaningful relationship to the Continent by so large a group of our citizens.

Second, and closely tied to the first, is the keen interest in the humanity of Africa on the part of blacks and many whites. Whether it be a problem of famine or war or a problem of human rights, the American policy maker is continually made conscious of the strong empathy which exists toward Africa.

More traditional diplomatic and economic interests also exist. As a major power, we desire effective diplomatic access to the governments of Africa, representing as they do almost one-third of the members of the United Nations. In full recognition of the sensitive nationalism of the newly independent nations, we desire fair opportunities for trade and investment.

The United States does not desire—even if it had the capabilities and resources to do so—to replace the former colonial powers in trade and economic relations with the African nations. We appreciate and wish to be responsive to the desire of the African nations to diversify their economic relations. We continue to believe, however, that the traditional ties of language, education, and business that link these nations with the metropole nations in Europe are important to both partners, and to the extent that each desires to retain them, they should be encouraged.

The question frequently is raised, particularly on this side of the Atlantic, of the U.S. military interest in Africa. We count this a lesser interest. We have two remaining military communications stations in Africa which we shall presumably need until technology makes them unnecessary. We recognize the importance to Europe of the Cape of Good Hope route; we do not, however, give this interest priority over other more direct concerns in Africa.

The pursuit of the interests of any nation in Africa also requires an understanding of African interests and concerns. No policies are going to be effective which fail to take these interests into account and which do not seek in some measure to be responsive to them.

From my own frequent travels in Africa and my own discussions with African leaders, I would define African interests as three: nationbuilding and true sovereignty; survival and development; and a resolution of the inequities of southern Africa.

American policies seek meaningful responses to each of these African concerns.

NATIONBUILDING

There is the strongest desire among Africans to build the nations inherited from the colonial era, with boundaries fixed by that era, with institutions compatible with the customs and traditions of the peoples. We recognize that there have been and will be changes in the institutions left behind by the colonial powers. We accept that there will be variety in forms of government and philosophies and that we can deal with nations, regardless of their institutions, on a basis of mutual respect and common interest.

We recognize that Africans do not wish to be pawns in a great-power conflict. We accept their relations with all nations. We ask only that they be true to their nonalignment in the balanced treatment and understanding they give to all. We do not accept that there can be a double standard, according to which the United States can be condemned for certain actions while other nations are not. Neither do we accept that African nations can turn blind eyes to human disaster within their own continent while seeking the condemnation of others.

In an African Continent understandably sensitive on the issue of sovereignty, we Americans have had a special myth to overcome: the myth of manipulation. I hope that this is dead. I hope that we have been able to convince the African governments that we are not involved in any way in seeking to determine how they are governed or by whom.

ECONOMIC DEVELOPMENT

African leaders understandably are preoccupied with critical economic problems. Many search for the resources needed for development. Others, less fortunate, search for the resources needed for survival. Sixteen of the poorest countries of the world are in Africa.

I will not deny that the response to Africa's economic needs has presented us with some very difficult problems. As I pointed out, African expectations of what we might provide were high. We have not come up to those expectations.

As Americans, however, coming late into the scene in Africa, we feel that we have made a substantial and meaningful contribution to African development. Bilateral assistance, both that given directly in country programs and that provided on a regional basis, has been maintained at approximately the same level through the past 10 years: about \$350 million per year. If one adds another \$200 million provided through international institutions such as the United Nations Development Program and the World Bank, the U.S. contribution represents about 20 percent of all aid going to Africa.

In attempting to assert their independence from the developed countries, which are the major suppliers of traditional aid, the African countries are seeking increased control over investment and assured market conditions for their primary commodities. As a major supplier of foreign investment and a consumer of primary products, the United States has an important interest in these matters as well. With each side looking at these matters from its own perspective, however, there is not always an identity of perceived national interests.

The United States strongly believes that private foreign investment, as a carrier of technology, of trade opportunities, and of capital itself, and as a mobilizer of domestic resources, in turn becomes a major factor in promoting economic development. Another factor is the increasing need of the United States for energy sources and other primary resources, an important share of which will come from Africa.

Yet the terms on which private capital will accept investment risk in African countries at times conflicts with the strong desire of the African nations for a greater share in both the equity and management of investment projects.

Terms such as "Africanization" and "nationalization" frighten some investors. They are considered to be political necessities in many parts of Africa. Fortu-

nately, the result so far in Africa has been in most cases a sincere effort to find, through negotiations, ways to meet the needs and respected rights of both parties. I detect in American business a greater recognition of the desire of a number of African states for participation in investment. I detect in many African countries a greater recognition of the important and beneficial role played by the private foreign investor. I hope both trends continue.

African countries such as Ghana and the Ivory Coast, with a heavy dependence upon single agricultural commodities, have pressed for international commodity agreements, particularly in coffee and cocoa. They have received strong support from Latin America.

The United States played a leading role in negotiating the first International Coffee Agreement in 1962 and has played a leading role in supporting that agreement. For most of that period, the agreement operated in the interests of both producers and consumers, since it was designed to meet the particular circumstances which obtained at that time. On cocoa, we were active participants in the long series of negotiations which led to conclusion of an agreement last fall. We did not sign it, however, because we believe that it is seriously flawed and may not achieve its purpose of stabilizing cocoa prices and earnings.

With regard to commodity trade in general, we see a growing need for attacks on the underlying problems and for new approaches which are not trade restrictive, but trade creating in nature. We will, however, continue to consider proposals for traditional commodity agreements on a case-by-case basis.

Next year will be the year of a renegotiation of the Yaounde Convention linking the European Community to Africa. Already consultations have started on how the Anglophone countries will fit into the older arrangements. Both trade and aid are involved. The United States recognizes the importance to the African signatories of the Yaounde Convention. At the same time, we strongly oppose the system of special and reverse tariff preferences, which forms a part of the present agreements. In this we are not alone. Canada and Japan oppose these reverse preferences, and we note that African countries increasingly are questioning their desirability.

While our trade with Africa does not compare with more traditional suppliers and markets, we strongly believe that Africa will benefit if it is open to all on a nondiscriminatory basis. This too is a critical and difficult element in our response to Africa's economic needs.

INEQUITIES OF SOUTHERN AFRICA

This leaves our response to the third African preoccupation—the complex issues of southern Africa.

These issues pose very special problems for the Commonwealth, as they do for us.

The American attitude toward this area is clear. It was defined in President Nixon's Foreign Policy Report of 1972 in these words:

"... As I have repeatedly made clear, I share the conviction that the United States cannot be indifferent to racial policies which violate our national ideals and constitute a direct affront to American citizens. As a nation, we cherish and have worked ardently toward the goal of equality of opportunity for all Americans. It is incumbent on us to support and encourage these concepts abroad, and to do what we can to forestall violence across international frontiers."

BASIS OF U.S. POLICY

In our approach to the issues of southern Africa, we proceed on several premises. First, in this day and age, the influence of any nation, however powerful, in the internal affairs of another is severely limited. The idea that the United States, by any action—including the use of economic and military force, if that were realistic—could bring about fundamental changes in another society is without foundation. We certainly cannot do it in southern Africa. If change comes, it must come primarily from within.

Secondly, the United States cannot pursue policies which simply accept the situation in southern Africa as it is, or contribute to its perpetuation, nor those which endorse violence as a means to change. Consequently, we conscientiously pursue an arms embargo policy toward all sides in both South Africa and the Portuguese territories. We exercise restraint in our commercial and government-financing activities in both areas.

Thirdly, we believe that if we are to contribute meaningfully to change in the area, it is not through the pressure of isolation but through keeping open the doors of communication with all elements of the population, particularly in South Africa. If peaceful change is to come, in our view, it will come through a general recognition of the unacceptability of present policies in those areas brought about by continuing contact with the world outside.

Certain special problems arise.

One commonly held in the United States is that official insistence on the withdrawal of our private investment in South Africa would bring effective pressure for change. We do not think so. Our investment represents only 16 percent of the total foreign investment in South Africa. It is closely interlinked with South African interests. It is doubtful that it could be repatriated, even we decreed it. It is not only our view, but also that of many black South Africans, that it is far better to encourage those firms which are there to lead the way to upgrading the work and social conditions of the nonwhite labor force. This we do.

Rhodesia, as you all well know, represents a special case. Except for the symbolically significant but economically insignificant breach of Rhodesian sanctions by the action of our Congress, we fully support the economic sanctions against Rhodesia and believe they are having an effect. We are deeply conscious of the grave problem the Rhodesian situation presents for our British friends. We hope that your patience will yet find a way of getting black and white in Rhodesia together for a workable solution.

THE UNITED NATIONS

The United Nations is another special situation. The problems of southern Africa are discussed frequently at the United Nations, but the type of action being increasingly sought exceeds the organization's ability of implementation.

While sympathetic with the objectives of many of the resolutions, the United States does not find that it can support what it considers unworkable solutions, sometimes based on unfair judgments. Such resolutions also frequently raise questions of precedents and budget which further prevent our support. By simple vote, we sometimes appear to be anti-African, when actually the issues are far less simple.

The United States does welcome and support those efforts which emerge within the United Nations to bring about discussions between the parties directly concerned with these problems.

Such an effort was the one undertaken by Secretary General Waldheim on Namibia, implied in a December vote in the Security Council on the Portuguese territories, but it has yet to come to fruition. In our view, whatever the fate of the liberation approach, talks must ultimately come between those involved in the problem. However frail may be the chances, we hope ways can be found to start.

To the nations of the Commonwealth, as to the United States, the African Continent has a special significance. In that Continent are the last hard-core problems of achieving self-determination, problems which have both built and divided the Commonwealth. In that Continent lie continuing problems of human dignity and human rights, of such great concern to all our peoples.

I should like to assure you today that the United States recognizes these problems and the need for their solution. The United States is neither "neglecting" Africa nor giving it a "low priority." Out of the conflicting pressures for policies and resources upon and within a major nation, the United States seeks to respect Africa's independence, to be responsive to Africa's needs, and to stand ready realistically to be helpful in furthering trends of change.

APPENDIX 13

TEXT OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 1819 (1962)

Resolution 1819 (XVII), as submitted by 13 powers, A/L.415 and Add.1, adopted by Assembly on 18 December 1962, meeting 1196, by roll-call vote of 57 to 14, with 18 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Bolivia, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Czechoslovakia, Dahomey, Ethiopia, Federation of Malaya, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jordan, Laos, Lebanon, Liberia, Madagascar, Mali, Mauritania, Mongolia, Nepal, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Sierra Leone, Sudan, Syria, Tanganyika, Trinidad and Tobago, Tunisia, Ukrainian SSR, USSR, United Arab Republic, Upper Volta, Venezuela, Yugoslavia.

Against: Australia, Belgium, Canada, France, Italy, Luxembourg, Netherlands, New Zealand, Portugal, South Africa, Spain, Turkey, United Kingdom, United States.

Abstaining: Argentina, Austria, Brazil, Chile, China, Denmark, Dominican Republic, Finland, Greece, Honduras, Ireland, Japan, Mexico, Norway, Peru, Sweden, Thailand, Uruguay.

"The General Assembly,

"Having considered the critical situation in Angola,

"Having considered the report of the Special Committee on Territories under General Portuguese Administration, established under General Assembly resolution 1699 (XVI) of 19 December 1961,

"Having considered the report of the Sub-Committee on the Situation in Angola, established under General Assembly resolution 1603 (XV) of 20 April 1961,

"Resolutely condemning the mass extermination of the indigenous population of Angola and other severe repressive measures being used by the Portuguese colonial authorities against the people of Angola,

"Deploping the armed action being taken by Portugal for the suppression of the people of Angola and the use in this process of arms supplied to Portugal by certain Member States,

"Noting that in the Territory of Angola, as in other Portuguese colonies, the indigenous population is denied all fundamental rights and freedoms, that racial discrimination is in fact widely practised and that the economic life of Angola is to a large extent based on forced labour,

"Convinced that the colonial war being carried on by the Government of Portugal in Angola, the violation by that Government of the Security Council resolution of 9 June 1961, its refusal to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and its refusal to implement resolutions 1542 (XV) of 15 December 1960, 1603 (XV) of 20 April 1961, 1654 (XVI) of 27 November 1961 and 1742 (XVI) of 30 January 1962, constitute a source of international conflict and tension as well as a serious threat to world peace and security,

"Bearing in mind the principles embodied in resolution 1514 (XV),

"1. Express its satisfaction to the Sub-Committee on the Situation in Angola for the work it has accomplished:

"2. Solemnly reaffirms the inalienable right of the people of Angola to self-determination and independence, and supports their demand for immediate independence;

"3. *Condemns* the colonial war being carried on by Portugal against the people of Angola and demands that the Government of Portugal put an end to it immediately ;

"4. *Again calls upon* the Portuguese authorities to desist forthwith from armed action and repressive measures against the people of Angola ;

"5. *Urges* the Government of Portugal, without any further delay :

"(a) To release all political prisoners ;

"(b) To lift the ban on political parties ;

"(c) To undertake extensive political, economic and social measures that would ensure the creation of freely elected and representative political institutions and transfer of power to the power of Angola in accordance with the Declaration on the granting of independence to colonial countries and peoples ;

"6. *Requests* Member States to use their influence to secure the compliance of Portugal with the present resolution ;

"7. *Requests* all Member States to deny Portugal any support or assistance which may be used by it for the suppression of the people of Angola, and in particular to terminate the supply of arms to Portugal ;

"8. *Reminds* the Government of Portugal that its continued non-implementation of the resolutions of the General Assembly and of the Security Council is inconsistent with its membership in the United Nations ;

"9. *Requests* the Security Council to take appropriate measures, including sanctions, to secure Portugal's compliance with the present resolution and with the previous resolutions of the General Assembly and the Security Council."

APPENDIX 14

TEXT OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 1742 (1962)

RESOLUTION 1742(XVI), as submitted by 45 powers, A/L384/Rev.1, and as amended in plenary, adopted by Assembly on 30 January 1962, meeting 1102, by roll-call vote of 99 to 2, with 1 abstention, as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussian SSR, Cambodia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Tunisia, Turkey, Ukrainian SSR, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: South Africa, Spain.

Abstaining: France.

The General Assembly,

Having considered the situation in Angola,

Recalling its resolution 1603(XV) of 20 April 1961 and the Security Council resolution of 9 June 1961.

Having examined the report of the Sub-Committee on the situation in Angola appointed under resolution 1603(XV),

Deplored the lack of co-operation and assistance by Portugal in the full and effective discharge of the Sub-Committee's task as called for in the aforementioned resolutions,

Voting with deep regret Portugal's refusal to recognize Angola as a Non-Self-Governing Territory and its failure to take measures to implement General Assembly resolution 1514(XV) of 14 December 1960 entitled 'Declaration on the granting of independence to colonial countries and peoples.'

Convinced that the continued refusal of Portugal to recognize the legitimate aspirations of the Angolan people to self-determination and independence constitutes a permanent source of international friction and threatens international peace and security,

1. Expresses its appreciation of the work of the Sub-Committee on the situation in Angola and commends to the Portuguese Government, for urgent consideration and effective implementation, the observations, findings and conclusions set out in the Sub-Committee's report;

2. Solemnly reaffirms the inalienable right of the Angolan people to self-determination and independence;

3. Deeply deprecates the repressive measures and armed action against the people of Angola and the denial to them of human rights and fundamental freedoms, and calls upon the Portuguese authorities to desist forthwith from repressive measures against the people of Angola;

4. Appeals to the Government of Portugal to release immediately all Angolan political prisoners wherever they may be held;

5. Urges the Government of Portugal to undertake, without further delay, extensive political, economic and social reforms and measures, and in particular to set up freely elected and representative political institutions with a view to transfer of power to the people of Angola;

"6. *Decides* to continue the Sub-Committee on the situation in Angola appointed under General Assembly resolution 1603(XV) ;

"(a) To continue the performance of its tasks ;

"(b) To study ways and means to secure the implementation of the present resolution and to report thereon to the Security Council and to the General Assembly ;

"7. *Requests* Member States to use their influence to secure the compliance of Portugal with the present resolution ;

"8. *Requests* all States Members of the United Nations and members of the specialized agencies to deny Portugal any support and assistance which may be used by it for the suppression of the people of Angola ;

"9. *Requests* the Government of Portugal to submit a report to the General Assembly at its seventeenth session on the measures it has undertaken in the implementation of the present resolution ;

"10. *Recommends* the Security Council, in the light of the Council's resolution of 9 June 1961 and of the present resolution, to keep the matter under constant review."

APPENDIX 15

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 322 (1972)

THE SECURITY COUNCIL,

Having examined the situation in Angola, Guinea (Bissau) and Cape Verde, and Mozambique,

Recalling its resolution 312 (1972) of 4 February 1972,

Also recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and resolution 2918 (XXVII) of 14 November 1972 on the question of Territories under Portuguese administration,

Taking note of the reports of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Considering that the Organization of African Unity recognizes the liberation movements of Angola, Guinea (Bissau) and Cape Verde, and Mozambique as the legitimate representatives of the peoples of those Territories,

Having heard statements of the representatives of Member States and of Mr. Marcelino dos Santos, Mr. Gil Fernandes and Mr. Manuel Jorge, who were invited under rule 39 of the rules of procedure to participate in the consideration of the question,

Conscious of the urgent need to avert further human suffering and material losses by the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique and to achieve a negotiated solution to the armed confrontation that exists in those Territories,

1. *Reaffirms* the inalienable right of the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique to self-determination and independence as recognized by the General Assembly in resolution 1514 (XV) of 14 December 1960 and the legitimacy of the struggle by those peoples to achieve that right;

2. *Calls upon* the Government of Portugal to cease forthwith its military operations and all acts of repression against the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique;

3. *Calls upon* the Government of Portugal, in accordance with the relevant provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV), to enter into negotiations with the parties concerned, with a view to achieving a solution to the armed confrontation that exists in the Territories of Angola, Guinea (Bissau) and Cape Verde, and Mozambique and permitting the peoples of those Territories to exercise their right to self-determination and independence;

4. *Requests* the Secretary-General to follow developments in the situation and to report periodically to the Security Council;

5. *Decides* to remain actively seized of this matter.

APPENDIX 16

TEXT OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 1881 (1963)

RESOLUTION 1881 (XVIII), as proposed by Special Political Committee, A/5565, adopted by Assembly on 11 October 1963, meeting 1238, by roll-call vote of 106 to 1, as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: South Africa.

The General Assembly.

"Recalling its resolution 1761 (XVII) of 6 November 1962,

"Recalling the Security Council resolution of 7 August 1963, which called upon the Government of the Republic of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid,

"Taking note of the reports of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa, which stress the fact that the harsh repressive measures instituted by the Government of South Africa frustrate the possibilities for peaceful settlement, increase hostility among the racial groups and precipitate violent conflict,

"Considering reports to the effect that the Government of South Africa is arranging the trial of a large number of political prisoners under arbitrary laws prescribing the death sentence,

"Considering that such a trial will inevitably lead to a further deterioration of the already explosive situation in South Africa, thereby further disturbing international peace and security,

"1. Condemns the Government of the Republic of South Africa for its failure to comply with the repeated resolutions of the General Assembly and of the Security Council calling for an end to the repression of persons opposing apartheid;

"2. Requests the Government of South Africa to abandon the arbitrary trial now in progress and forthwith to grant unconditional release to all political prisoners and to all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid;

"3. Requests all Member States to make all necessary efforts to induce the Government of South Africa to ensure that the provisions of paragraphs 2 above are put into effect immediately;

"4. Requests the Secretary-General to report to the General Assembly and the Security Council, as soon as possible during the eighteenth session, on the implementation of the present resolution."

APPENDIX 17

STATEMENT BY AMBASSADOR ADLAI E. STEVENSON, UNITED STATES REPRESENTATIVE, IN THE SECURITY COUNCIL ON THE PORTUGUESE TERRITORIES (UNITED STATES MISSION TO THE UNITED NATIONS: PRESS RELEASE NO. 4230, JULY 26, 1963)

Mr. President: The question which the Security Council has been discussing for the past week has, as we all know, troubled and concerned the United Nations for several years. This concern has been as deeply felt by my government, I believe, as any other. The question of Portuguese territories has been considered in the United Nations during this period of time from three separate but very much related aspects. The General Assembly has examined the question in its relationship to Chapter XI of the Charter and has unequivocally declared itself. The General Assembly has examined the question in relationship to Resolution 1514, the Declaration for the Granting of Independence to Colonial Countries and Peoples, and again has unequivocally declared itself.

Finally, the Security Council has examined at least part of the question—the situation in Angola—in its relationship to international friction and the maintenance of international peace and security. And now once again the Security Council at the request of thirty-two African nations has taken up consideration of this question, and this time in the broader framework of all of the Portuguese territories in Africa.

The position of the United States and our convictions on each of these aspects of the question of Portuguese territories have been set forth both in the Assembly and in the Security Council. However, in order to make entirely clear the starting point, or better perhaps, the broad basis from which the United States approaches our current deliberations, I would, with the indulgence of the Council, like to review very briefly our position with regard to each of these aspects.

First of all, the General Assembly has found the territories under Portuguese administration are non-self-governing territories within the meaning of Chapter XI of the Charter and, therefore, are subject to the provisions of that Chapter. We supported that view in the General Assembly and we urged Portugal to cooperate with the United Nations and to fulfill the obligations under Chapter XI both as regards the administration of the territories themselves and also the submission of information to the Secretary General.

Second, we have steadfastly supported the principle of self-determination. I might add what you already know that this position long antedates the declaration contained in Resolution 1514: that it was first expounded as a universal doctrine by Woodrow Wilson at the end of the first world war. At that time it was still a new idea—though persuasive enough to contribute to the creation of many independent nation-states both in Europe and in the Middle East as successors to the Austro-Hungarian and the Ottoman empires. The right of peoples to choose the terms of their political, economic and social destiny is written into our Declaration of Independence and our Constitutions, as it is written into the Charter of the United Nations.

Hence the United States Delegation has continuously supported in the United Nations, since the initial consideration of Angola in the Security Council, measures calling for Portuguese recognition of this principle and for an acceleration of political, economic and social advancement for all inhabitants of Portuguese territories towards the full exercise of this self-determination. Consistent with this belief, we have publicly and privately and continuously urged Portugal to accept this principle and give it practical effect for the peoples of Portuguese territories.

We believe the United Nations as an organ devoted to the reduction of international friction, the maintenance of peace and security and dedicated therefore to peaceful change, must relentlessly strive for a solution to this problem through the creative paths of peace, difficult though these paths may often

seem. This principle is fundamental not only to the Charter but to the very concept of the United Nations and is one which we shall not abandon. To this end we have supported measures in the Council and in the Assembly. We have also undertaken bilateral efforts, some of which are not unknown to the members of the Council, and we shall continue to do so as long as the source of friction presented by the situation in Portuguese territories continues to exist.

Mr. President, up until now I have delayed in participating in this discussion. I have done so because I wished to define the situation within the terms of the Charter and the functions of the Security Council. To this end I have studied carefully the letter and accompanying memorandum submitted to the President of the Security Council by the representatives of 32 African nations. I have carefully and attentively considered the presentations of the four African foreign ministers representing the African Chiefs of State and Heads of Government who met so recently at Addis Ababa. I have listened with equal attention and studied just as carefully the Foreign Minister of Portugal's statement to the Council. And after hearing the subsequent statements of the members of the Council, I believe we have a clearer idea of the problem facing the Council and how the Council might act to resolve what is both a stalemate and a dispute. It is a stalemate because we have perceived no progress. It is a dispute because there is a fundamental difference of opinion.

Stalemates are of course a dangerous condition in human affairs. They are the powder kegs of history and unless they are resolved they may explode at any time into violence with unpredictable consequences for the peace of the world. Change will come in the Portuguese colonies: the present temporary stalemate of forces will be broken one way or another in the not too distant future.

The pace of decolonization in the last 18 years has been phenomenal. When World War II ended there were just over 50 independent nations in the world. Today—less than a generation later—hardly 2 percent of the world's population still live in dependent territories. More independent nations have been created in that period than existed in all the world at the close of World War II. Here is a record to satisfy the most impatient of us. No one can complain that there has not been action and progress—indeed action and progress far beyond what the most optimistic could have expected in 1945.

Most of this great achievement was accomplished with very little or no bloodshed. This I think is also something which all of us, liberated and liberators alike, particularly we the members of this great peacekeeping organization can be proud. We have achieved freedom and we have kept the peace, and we have many members of this organization, both liberated and liberators, to thank.

Now that should also be our goal in the case of the Portuguese territories. Change will come, self-determination will come. There can be no question about that. The only question is whether it will come peacefully or with a violence and bloodshed which will reflect on the prestige of the United Nations and on the loyalty of its members to the Charter and which will cause suffering and hardship to the peoples in whose interests we profess to act, the peoples of the Portuguese territories.

There is no conflict of principle before this house. The only issue before us—complex as it may be—is to discover and to agree upon the most practical way open to this organization to help bring about peaceful change, in the interests of the people of the Portuguese territories, in the interests of the Republic of Portugal, and of the independent states of Africa and the peace of the world.

The core of the problem is the acceptance and the application of the right of self-determination, as the preceding speakers have said. Dr. Nogueira, the Distinguished Foreign Minister of Portugal, has contended that the criteria and procedure defined by the United Nations for the exercise of this concept cannot justifiably or realistically be considered the only criteria for valid self-determination.

I hope he does not fear that any of us are seeking to deprive Portugal of its proper place in Africa. Many African leaders around this table and elsewhere have emphasized that once Portugal has granted self-determination, it will in the interest of the inhabitants of its present territories as well as in its own interest have a great role to play in the field of economic and cultural development and progress. The United States has in the past offered to give sympathetic consideration to any request by Portugal for material assistance in fulfilling certain aspects of that responsibility. No doubt others would likewise be prepared to assist. But in any case, with or without help, Portugal's role in Africa will be ended only if it refuses to collaborate in the great and the inevitable

changes which are taking place. If it does collaborate, its continuing role is assured, and I for one, sitting here in my own behalf, should like to express with pride the gratitude of my government for the progress that Portugal is attempting to make to improve the conditions of life among the inhabitants of its territories.

However, the overwhelming majority of the United Nations, which have been most effectively represented by the African ministers present at the Council table, do not agree that the self-determination of which the Foreign Minister of Portugal speaks, is sufficient. And this disagreement has been the subject not only of this discussion here during the past week but of many decisions in the United Nations. We must persevere, I suggest, as the Charter requires in peaceful efforts to establish this principle and to get it carried out. We believe the African states have shown a sense of responsibility in coming to the Council with such a clear and such a reasonable objective.

For our part, the United States cannot accept and must emphatically reject the concept suggested to the Council that an acceptable means of solving such a problem is to aggravate the situation until it does indeed become a threat to international peace and security, as my distinguished British colleague has said here a moment ago. This concept is a contradiction of the provisions and the spirit of the Charter itself to which we and our governments are pledged to conform. We are not here to create threats to peace and security but to prevent them; we are not here to endanger the peace but to guard it. We are here to strengthen and not to burn the moral and the legal foundations of a peaceful world over.

Unfortunately, the problem is that there is no dialogue going on and thus little chance for the voice of reason to prevail. There is a kind of vacuum in which emotions can only continue to become embittered. But we believe, based on the statements of the four Foreign Ministers, who in the first instance seek a peaceful solution, have appealed for Portuguese cooperation, and on the statement of the Foreign Minister of Portugal who suggested conversations with African leaders, without reservation or restrictions, that the grounds exist for these channels to be re-opened in the interests of the people of the Portuguese territories.

This then, it seems to us, is the place to start. The second essential is to make sure that they are talking about the right things, including the means of exercising self-determination. Now, Mr. President, third parties can not speak for Portugal, nor can they speak for the people of the Portuguese colonies, nor for the African leaders. Yet it is plain that the principals in this dispute need help in getting together, in breaking down the barriers which prevent any discussion at all from even beginning. And this is one place where I suggest that the Security Council can play an effective role.

The United States is convinced that it would be useful to designate a special representative of the Security Council whose task it would be to facilitate a meaningful dialogue between the government of Portugal and appropriate African leaders. Such a representative would visit the territories, would consult with all concerned, would take appropriate steps to open consultations to bring about a real exercise of self-determination and the reduction of international friction. If that can be done, the right people will be talking about the right subject. It is our belief that this Council must make every possible effort to get significant consultations started. And in this connection we note with gratification that the Foreign Minister of Portugal has invited the African Foreign Ministers or their representatives to visit Portuguese territories. He has placed no conditions or limitations on these visits. And this seems, too, a most valuable offer made in a spirit of cooperation. Though this invitation is obviously only a partial step, we hope that it will be accepted and that it will contribute to the achievement of the objectives we all approve.

We have seen the end of apparent stalemate many times in the course of history—frequently. I remind you, when the outlook seemed darker than ever and, on occasion, just in the nick of time, I need only refer by way of example to the news that came to us only yesterday that the long, dreary, frustrating stalemate in the nuclear testing issue appears to be broken. It was broken because men declined to surrender to despair, because men worked patiently and imaginatively to break that deadlock.

Finally, Mr. President, there is even more I would like to suggest at stake here than the course of events in the Portuguese colonies in the next few years.

There is, I believe, an obligation on the part of the United Nations to do its utmost to see that the great story of national liberation—to which the United Nations has already contributed so much—ends on a note of peaceful change and not in a bloodbath.

There is, I believe, an obligation to prove that this democratic institution, the Security Council of the United Nations, possesses the central virtue of a democratic institution and that is the capacity to support and to stimulate peaceful change which is the only alternative to violence and war in a world of rapid change.

And there is, I believe, a heavy obligation on each of us to strengthen the United Nations by a realistic appraisal of its limitations as well as its capacities—and working day in and day out to expand these capacities until the day comes when the United Nations is fully equipped to keep the peace of the world and to manage and enforce peaceful change.

In these respects our actions here will echo in the history of the years to come.

Now, in the draft resolution before us submitted by Ghana, Morocco and the Philippines, there is little of substance with which my delegation disagrees. Our aims are very close to its aims and we shall be happy to support them if they are couched in a form and language which we can accept and which are consistent with the Charter, which is the sovereign law of all of us.

But the present language of the resolution we cannot accept and we could not vote for the resolution in its present form. Though we agree that the situation in the Portuguese territories in Africa gives rise to very serious international friction and might, if continued, endanger the maintenance of international peace and security, we do not agree that a threat to the peace already exists. We do not agree, therefore, that the situation falls within the scope of Article 7 of the Charter, or that the language of any resolution we adopt should so suggest.

Moreover, some of the language of the resolution before us is almost certain not to promote but to inhibit the consultations to which we have referred, and which we consider the most hopeful approach toward a peaceful, prompt settlement of this problem on the basis of the principles every member of the Security Council has endorsed.

Let us not surrender to the emotion and frustration that this issue has generated, no matter what the provocation, but rather carefully select the tone and the words most likely to further the ends we so earnestly seek.

The restriction on the sale and the supply of arms and military equipment to Portugal for use in its African territories, which appears in paragraph 6 of the draft resolution, is a policy which the United States has in fact, as we have frequently stated in the United Nations, been pursuing for some years. We would, therefore, see no reason for objecting to such a recommendation based on the fact that such sales might contribute to increasing international friction in the area in a resolution otherwise satisfactory.

Finally, we must not impose an impossible burden on the Secretary General or on any representative he may name to deal with this problem. It cannot under the best of circumstances be solved overnight. Let us assign him reasonable goals to be achieved without undue delay and also without unrealistic time limits which would only arouse false hopes. I have already suggested that an alternative to imposing this burden directly upon the Secretary General might be to ask him to appoint someone to serve as a special representative of the Security Council who would be able to devote himself exclusively to this case and whose mandate in the implementation of self-determination might be spelled out more extensively in a resolution.

We believe that through further consultations among members of this Council and the four African Ministers who are visiting us, a draft can be produced which could command general acceptance and could enable the Council to adopt a resolution by a large majority. It is far better, it seems to us, to take joint action by an impressive degree of unanimity, even though it does not go as far as many would like, than to fail to reach agreement and find ourselves unable to take any effective action at all on this great issue.

APPENDIX 18

STATEMENT BY AMBASSADOR ADLAI E. STEVENSON, UNITED STATES REPRESENTATIVE, IN THE SECURITY COUNCIL, IN EXPLANATION OF VOTE ON THE PORTUGUESE TERRITORIES RESOLUTION (UNITED STATES MISSION TO THE UNITED NATIONS: PRESS RELEASE No. 4232, JULY 31, 1963)

Mr. President, It is the very sincere hope of the United States Delegation that the resolution which has just been adopted by the Council will not hinder but will contribute to the peaceful solution of the situation in the Portuguese territories.

The United States abstained on the resolution primarily because we do not believe that it is drafted in either language or form best calculated to achieve the results which we all seek as quickly and as harmoniously as possible.

In my earlier statement before the Council, I remarked that the aims of the resolution originally proposed by Ghana, Morocco and the Philippines were very close to our aims, and that I thought that through further consultations among the members of this Council and with the African Foreign Ministers, a resolution could be produced which would command more general acceptance. Consultations did take place, and I should like to express appreciation for the spirit of reasonableness, of cooperation and accommodation of the sponsors of the resolution, of the African Foreign Ministers and the other members of the Security Council.

As a result of these consultations, some welcome modifications which in our judgment improved the resolution were suggested and accepted by the sponsors. They have been proposed as amendments by the distinguished representative of Venezuela and have now been adopted by the Council. These changes have helped to relieve the apprehensions of the United States about the use of language which, in our opinion, clearly fell within the terms of Chapter VII of the Charter. We welcome the statement of the distinguished delegate of Ghana that even the wording in the resolution draft was not intended to invoke Chapter VII. And we are glad to see that the language has now been further changed to leave no doubt on that score.

We regret that other objections which we had to the original text, however, still remain and that, accordingly, it was not possible to produce a full agreement among us.

I repeat in this explanation of our abstention what I have already said. While the United States cannot agree with some of the provisions of the resolution just adopted, we do agree with much of the substance of the resolution and have from the very infancy of our republic believed in the principle of self-determination of peoples. The heart of this resolution and the settlement of the danger posed by the situation in the overseas territories of Portugal in Africa is the recognition and the application of that right of self-determination for the people of these territories. The Council has called on Portugal to recognize this right and to undertake negotiations on this basis. We firmly believe that the developments we all want can be achieved and can only be achieved in an orderly, peaceful manner and without further violence and suffering on both sides as a consequence of such negotiations conducted in good faith.

By its action the Council has also requested the Secretary General to furnish such assistance as he may deem necessary to this end. This we believe is a significant provision and the assistance of a third party may be helpful, if not indispensable, to a peaceful solution. The task could be time consuming and heavily tax the patience, the resourcefulness and the skill of such a third party. We hope he will draw on the many resources and methods available to him in a persistent and continuing effort to insure progress. We are confident that the Secretary General and his representatives in pursuing this formidable mission will also in accordance with his Charter authority and responsibility take every possible step to reduce friction and to bring about the change in a peaceful setting. But,

ultimately, he must count on the spirit of cooperation and accommodation of the parties. Without it there can be no satisfactory sequel to the Council's action here today.

The resolution also asks that member states refrain from the sale or the supply of arms and military equipment to Portugal for use in the Portuguese overseas territories in Africa. The United States has felt that arms supplied to Portugal for other purposes and used in its overseas territories might well contribute to an increase in friction and danger. With these considerations in mind, the United States has for a number of years followed a policy of providing no arms or military equipment to Portugal for use in these territories. And with these same objectives in mind, we have also prohibited direct export of arms and military equipment to the Portuguese territories. The United States will continue to adhere to this policy. We trust, Mr. President, that other states will exercise a similar restraint, avoiding actions of any kind which could further increase the tensions in the area and that they will cooperate fully to assure that the solution will be achieved through peaceful means.

To resolve the long-standing controversy about the future of these territories in a manner consistent with the course of history, with the wishes of all of the inhabitants and in accordance with the Charter of the United Nations would be a great boon to this troubled world. And my government earnestly hopes that the interested parties, with the help and the encouragement of the United Nations and all of the friends of peace, will arrive at that destination. They can count on the help, if wanted, of the government of the United States.

APPENDIX 19

STATEMENT BY AMBASSADOR ADLAI E. STEVENSON, UNITED STATES REPRESENTATIVE IN THE SECURITY COUNCIL ON THE SOUTH AFRICAN QUESTION (UNITED STATES MISSION TO THE UNITED NATIONS: PRESS RELEASE No. 4233, AUGUST 2, 1963)

Mr. President: All of us sitting here today know the melancholy truth about the racial policies of the Government of South Africa. Our task is now to consider what further steps we can take to induce that government to remove the evil business of apartheid, not only from our agenda, but from the continent of Africa.

The policy of apartheid denies the worth and the dignity of the human person. And for this very reason we must try to express our feelings, we believe, with as much restraint as we can muster. Self-righteousness is no substitute for practical results.

It is all too true that there is scarcely a society of the world that is not touched by some form of discrimination. Who among us can cast the first stone or boast that we are free of any semblance of discrimination, by color or religion or in some other form?

I take the liberty of quoting you a few lines from a speech I made in Geneva a couple of weeks ago. I said that:

"In my country too many of our Negro citizens still do not enjoy their full civil rights—because ancient attitudes stubbornly resist change in spite of the vigorous official policy of the government. But such indignities are an anachronism that no progressive society can tolerate, and the last vestiges must be abolished with all possible speed. Actually in the past few years we have made more progress in achieving full equality of rights and opportunities for all of our citizens than during any comparable period since Abraham Lincoln's Proclamation of Emancipation"—100 years ago—"freed our Republic and our national conscience from a heavy burden.

"The very struggles which now call worldwide attention to our shame are themselves signs of a progress that will be increasingly visible in the months ahead. The sound and fury about racial equality that fill our press and air waives are the sounds of the great thaw: the log jam of the past is breaking up."

I wanted to repeat what I said in Geneva to leave no doubt that the United States position is not one of self-righteousness, self-satisfaction.

The question before us, however, is how and when the log jam of racial discrimination will be loosened and brought into the mainstream of the United Nations Charter. If we all suffer from the disease of discrimination in various forms, at least most of us recognize the disease for what it is—a disfiguring blight.

The whole point is that in many countries, governmental policies are dedicated to rooting out this dread syndrome of prejudice and discrimination, while in South Africa we see the anachronistic spectacle of the Government of a great people which persists in seeing the disease as the remedy, prescribing for the malady of racism the bitter toxic of apartheid.

Mr. President, just as my country is determined to wipe out discrimination in our society it will support efforts to bring about a change in South Africa. It is in the United States interest to do this: it is in the interest of South Africa; it is in the interest of a world which has suffered enough from bigotry, and prejudice and hatred.

The past two decades have seen an explosion of nationhood unequalled in history. Certainly the pace of decolonization in Africa has been nothing less than phenomenal, and it offers a record of progress far beyond what the most optimistic among us could have expected in 1945. The new states of Africa are gaining strength, resolutely fighting to build prosperous, dynamic societies and to do this in cooperation with other African states.

But as this meeting of the Security Council so graphically emphasizes, the full potential of this new era cannot be realized because of South Africa's self-

chosen isolation. Worse yet, progress in Africa is over-shadowed by the racial bitterness and resentment caused by the policies of the South African Government. And it is the duty of this Council to do what it can to insure that this situation does not deteriorate further, and that the injustice of apartheid comes to an end—not in bloodshed and bondage but in peace and freedom.

What we see and hear, however, offers us at present little hope. Indeed, the situation is worse than it was three years ago when this Council first met on the question of apartheid. Speakers before me have reviewed the record of previous discussions of apartheid by this Council and of the General Assembly. As they have pointed out, we have called repeatedly upon the Government of South Africa to consider world opinion, to cooperate with the United Nations, and to set in motion some meaningful steps toward ending discrimination, and policies and practices that would offend the whole world wherever they were pursued.

Outside of this organization, many members—not the least of which is my own government—have attempted repeatedly to persuade the South African Government to begin moving along the lines of these resolutions.

I myself, Mr. President, have had something emphatic to say on this score on two occasions in the Republic of South Africa; things that had grieved me to have to say after enjoying so much courtesy and hospitality from the friendly and the gracious people of that lovely land.

But it is only stating a fact of life to say that the visible result of all of these discussions and resolutions here in the United Nations and all diplomatic activity so far is zero.

It is only stating the obvious to say that up until this time our efforts have yielded no tangible results.

It is only calling things by their right name to say that we are confronted for the moment with a deadlock between the overwhelming majority of mankind and the Republic of South Africa.

There has been no forward motion; indeed, there has been retrogression—calculated retrogression.

Need I read the bill of particulars?

For the past fifteen years the Government of South Africa has built a barrier between the races—piling new restrictions upon old restrictions.

All South Africans must carry identification cards indicating racial ancestry.

Segregation in religion, education, and public accommodation is total.

Freedom of employment is limited; wage rates for the same work and the same responsibility are different according to the color of your skin.

Freedom of movement is inhibited.

Strikes by Africans in South Africa are illegal.

Africans in South Africa are prohibited from residing, from doing business or acquiring real property in most cities, and in large areas of the countryside.

Voters are registered on separate rolls according to race; and since 1958 non-European voters have had no representation whatever—even by Europeans—in the legislature.

This is not the whole story. But the point is that these and other measures of discrimination—aimed at the total separation of races into privileged and unprivileged segments of society—do not represent inherited social defects for which remedies are being sought but injustices deliberately and systematically imposed in the recent past.

Mr. President, we are all agreed and we have proclaimed again and again in this body and in the General Assembly, and in many other forums of the United Nations, certain basic views about the issue before us. However, we must restate them again and again so that we can sum up where we stand and deliberate with clarity and candor on how to move forward.

First, we have affirmed and reaffirmed that apartheid is abhorrent. Our belief in the self-evident truths about human equality is enshrined in the Charter. Apartheid and racism—despite all of the tortured rationalizations we have heard from the apologists—are incompatible with the moral, the social and the constitutional foundations of our societies.

A second basic principle on which we are agreed is that all members of the organization have pledged themselves to take action, in cooperation with the organization, to promote observance of human rights without distinction as to race.

Thirdly, we continue to believe that this matter is of proper and legitimate concern to the United Nations. We have often stated in the General Assembly

our belief that the Assembly can properly consider questions of racial discrimination and other violations of human rights where they are a Member's official policy and are inconsistent with the obligations of that member under Articles 55 and 56 of the Charter to promote observance of human rights without distinction as to race. Moreover, the apartheid policy of South Africa has clearly led to a situation the continuance of which is likely to endanger international peace and security.

We also believe that all members, in the words of the resolution passed almost unanimously by the Sixteenth General Assembly should take such separate and collective action to bring about an abandonment of apartheid as is open to them in conformity with the Charter. The United States supported that resolution and has complied with it.

I should like to take this occasion to bring up to date the record of the measures the United States has taken to carry out this purpose.

First, we have continued and, indeed, have accelerated our official representations to the Government of South Africa on all aspects of apartheid in that country. We have done this through public words and private diplomacy, expressing our earnest hope that the South African Government would take steps to reconsider and to revise its racial policies and to extend the full range of civic rights and opportunities to non-whites in the life of their country. And we have observed to the South African Government that in the absence of an indication of change, the United States would not cooperate in matters which would lend support to South Africa's present racial policies.

We have utilized our diplomatic and consular establishments in South Africa to demonstrate by words and deeds our official disapproval of apartheid.

And as the United States Representative informed the Special Political Committee of the General Assembly on October 19, 1962, the United States has adopted and is enforcing the policy of forbidding the sale to the South African Government of arms and military equipment, whether from government or commercial sources, which could be used by that government to enforce apartheid either in South Africa or in the administration of Southwest Africa. We have carefully screened both government and commercial shipments of military equipment to make sure that this policy is rigorously enforced.

But I am now authorized to inform the Security Council of still another important step which my government is prepared to take.

We expect to bring to an end the sale of all military equipment to the Government of South Africa by the end of this calendar year in order further to contribute to a peaceful solution and to avoid any steps which might at this point directly contribute to international friction in the area. There are existing contracts which provide for limited quantities of strategic equipment for defense against external threats, such as air-to-air missiles and torpedoes for submarines. We must honor these contracts.

The Council should be aware that in announcing this policy, the United States as a nation with many responsibilities in many parts of the world, naturally reserves the right in the future to interpret this policy in the light of requirements for assuring the maintenance of international peace and security. If the interests of the world community require the provision of equipment for use in the common defense effort, we would naturally feel able to do so without violating the spirit and the intent of this resolve.

Now, Mr. President, we are taking this further step to indicate the deep concern which the Government of the United States feels at the failure of the Republic of South Africa to abandon its policy of apartheid.

In pursuing this policy, the Republic of South Africa, as we have so often said, is failing to discharge its obligations under Articles 55 and 56 of the Charter whereby members pledge themselves to take joint and separate action in co-operation with the organization for the achievement of, among other things, universal respect for the observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

Stopping the sale of arms to South Africa emphasizes our hope that the Republic of South Africa will now reassess its attitude towards apartheid in the light of the constantly growing international concern at its failure to heed the numerous appeals made to it by various organs of the United Nations, as well as appeals of member states, such as my government.

As to the action of this Council in this proceeding, we are prepared to consult with other members and with the African Foreign Ministers present at the table and we will have some suggestions to make. It is clear to my delegation that the application of sanctions under Chapter VII in the situation before us would be both bad law and bad policy.

It would be bad law because the extreme measures provided in Chapter VII were never intended and cannot reasonably be interpreted to apply to situations of this kind. The founders of the United Nations were very careful to reserve the right of the organization to employ mandatory coercive measures to situations where there was an actuality of international violence—or such a clear and present threat to the peace as to leave no reasonable alternative but resort to coercion. We do not have that kind of a situation here. Fortunately for all of us, there is still time to work out a solution through measures of pacific settlement, and any solution adopted by this Council must be reasonably calculated to promote such settlement.

It is bad policy because the application of sanctions in this situation is not likely to bring about the practical result that we seek, that is, the abandonment of apartheid. Far from encouraging the beginning of a dialogue between the Government of South Africa and its African population, punitive measures would only provoke intransigence and harden the existing situation.

Furthermore, the result of the adoption of such measures, particularly if compliance is not wide-spread and sincere, would create doubts about the validity of and diminish respect for the authority of the United Nations and the efficacy of the sanction process envisioned in the Charter. Also on this matter, views differ so widely that we cannot hope to agree on the necessary consensus to make such action effective even if it were legitimate and appropriate.

And as for suggestions of diplomatic isolation, persuasion cannot be exercised in a vacuum; conflicting views cannot be reconciled in absentia.

Instead we believe still further attempts should be made to build a bridge of communication, discussion and persuasion. If the human race is going to survive on this earth, wisdom, reason and right must prevail. And let us not forget that there are many wise and influential people in that country who share our views.

It is regrettable accomplishments in so many fields of human endeavor in South Africa are being obscured by a racial policy repugnant to Africa and to the world. Certainly one ultimate goal for all of us is to assist South Africa to rejoin the African continent and to assist in the development of all the peoples of Africa.

And this, Mr. President, is why my government has looked with such favor on the idea of appointing special representatives of the Security Council who can work energetically and persistently and be free to exercise their own ingenuity and to pursue every prospect and every hint of a useful opening.

We cannot accept the proposition that the only alternative to apartheid is bloodshed.

We cannot accept the conclusion that there is no way out—no direction to go except the present collision course toward ultimate disaster in South Africa.

Certainly there are alternatives; and they must be identified and they must be explored before it is too late.

It is a matter of considerable regret to my delegation that the Government of South Africa has chosen to absent itself from these proceedings. But regrets to the side, Mr. President, it is exceedingly difficult in this shrunken and interdependent world to live in self-ostracism from international society; in this world of instant communication, it is progressively more hazardous to fly in the face of world opinion. And certainly the obligation to talk about dangerous disputes is too solemn to be ignored by even the most stubborn of leaders today.

Mr. President there is nothing inherently immutable in any impasse in human affairs. Many a seemingly hopeless cause has prevailed in the course of history. I had occasion just last week to recall here that negotiations over the testing of nuclear weapons looked hopeless for five long, dreary and frustrating years—until the impasse was broken suddenly to the vast relief of an anxious world. And as I said, the stalemate was broken because men refused to give up hope, because men declined to give in to despair, because men worked consistently and doggedly to break the deadlock. Manifestly this treaty does not solve all of the problems in connection with nuclear armaments; but every long journey begins with a single step, and this is a beginning.

So I should like to suggest very emphatically that we approach the problem of apartheid in South Africa as a similar challenge to ingenuity, to the instinct for survival of humankind. As President Kennedy said with reference to the atomic treaty, we must not be afraid to test our hopes.

It is in the spirit of testing our hopes that this sad episode will end in reason and not in flame that I on behalf of my government solemnly, earnestly appeal to the Government of South Africa to change course and embark on a policy of national reconciliation and emancipation.

APPENDIX 20

STATEMENT BY AMBASSADOR ADLAI E. STEVENSON, UNITED STATES REPRESENTATIVE, IN THE SECURITY COUNCIL, ON THE QUESTION OF APARTHEID IN SOUTH AFRICA (UNITED STATES MISSION TO THE UNITED NATIONS: PRESS RELEASE NO. 4328, DECEMBER 4, 1963)

Last Wednesday, the new President of the United States, speaking to a joint session of our Congress, rededicated the Government of the United States—and I use his words—"to the unswerving support of the United Nations."

I speak today in the spirit of that rededication, in the spirit of his plea for an end to the teachings and preachings of hate and evil and violence, and in the spirit of his determination that "it is our responsibility and our trust in this Year of Our Lord 1963, to strike the chains of bias and prejudice from minds and practices as Lincoln, a century ago, struck down slavery."

President Johnson's first message to our Congress included an urgent call for action to wipe out the remnants of racial discrimination in this country.

No less firm is our opposition to racial discrimination anywhere, for we believe that no longer can any society long endure in peace, really live with itself, really prosper economically, if in that society one race denies to another human and political rights. My government is dedicated not only to the principle of equal rights for all citizens, but also to the principle of government with the consent of the governed.

When I last spoke to this Council on the issue of Apartheid I said:

"Just as my country is determined to wipe out discrimination in our society, it will support efforts to bring about a change in South Africa. It is in the United States interest to do this; it is in the interest of South Africa; it is in the interest of a world which has suffered enough from bigotry, and prejudice and hatred.

"The past two decades have been an explosion of nationhood unequalled in history. Certainly the pace of decolonization has been nothing less than phenomenal, and it offers a record of progress far beyond what the most optimistic among us could have expected in 1945 (when the United Nations Organization was established.) The new States of Africa are gaining strength, resolutely fighting to build prosperous, dynamic societies and to do this in cooperation with other African States.

"But . . . the full potential of this new era cannot be realized because of South Africa's self-chosen isolation. Worse yet, progress in Africa is overshadowed by the racial bitterness and resentment caused by the policies of the South African Government. And it is the duty of this Council to do what it can to insure that this situation does not deteriorate further, and that the injustice of Apartheid comes to an end—not in bloodshed and bondage but in peace and freedom."

These are still the views of my Government.

The question before us here are not, unfortunately, solved by saying once again how thoroughly we reject apartheid. They can be resolved only by practical steps that will really contribute towards its elimination in conformity with the Charter.

Speaking recently in the Special Political Committee, Ambassador Plimpton outlined certain principles that bear repetition for they are the heart of our approach to the impasse in South Africa.

First, an enduring solution cannot be imposed from the outside for, in the last analysis, the change must be brought about primarily by the South Africans themselves, white and black.

Second, every effort to bring about the change should be made by peaceful means.

Third, the aim of our joint efforts should be to create the external conditions most conducive to bringing about change, to mobilize world opinion in such a way that the South Africans will be left in no doubt that the more they segregate their neighbors, the more they isolate themselves, and the more the links that bind them to the outside world will weaken.

And fourth, these conditions must be created within the framework of the Charter and must take into consideration the effects of our action on the situation in South Africa.

Such considerations as these led the United States more than a year ago to announce a policy forbidding the sale to the South African Government of arms and military equipment, whether from government or commercial sources, which could be used to enforce apartheid.

And they led to our decisions, which I announced in this chamber last August, to terminate *all* sales of military equipment to the Government of South Africa by the end of this calendar year, subject to our honoring contracts and, our right, as I then stated, "to interpret this policy in the future in the light of requirements for assuring the maintenance of international peace and security. If the interests of the world community require the provision of equipment for use in the common defense effort, we would naturally feel able to do so without violating the spirit and intent of this resolve."

We believe the Security Council must continue to press for a solution to this menacing situation, a solution which will lead to the enjoyment by *all* of the people of South Africa of their human rights and fundamental freedoms.

We see two main courses of action which the Council might pursue to achieve this objective. One is to help bring about a peaceful evolution in South Africa toward a free and just society not only through the weight of world opinion, but also through the various means of investigation, inquiry, study and recommendation to member states which will diminish the chance that international tensions over apartheid might lead to a major explosion.

The Norwegian resolution now before the Security Council contains valuable proposals in both these directions and the U.S. will support it. The Norwegian delegation has demonstrated what careful and patient efforts can accomplish and I believe we are all indebted to it and to its distinguished representative for helping the Council achieve such a degree of unanimity.

The United States will, among other things, support the recommendation in paragraph five that States should cease providing to South Africa equipment and materials for the production and maintenance of arms and munitions. We believe that this is implicit in the action taken by the Council in August, and we hope that this step to eliminate a factor which might contribute directly to international friction in the area will help create the kind of atmosphere which must exist if there is to be a peaceful settlement of this stubborn situation. We will carry it out within the same terms and conditions of our arms policy as we stated in connection with the resolution of August 7 and to which I have just referred.

We do not consider that the present situation in South Africa falls within the provisions of Chapter VII of the Charter. Accordingly we would not consider a recommendation for coercive action as appropriate under or authorized by the Charter. The transformation of the resolution of August 7 from Chapter VII to Chapter VI language was the "decisive" step, as we said at the time, that made it possible for the United States to support the resolution. We support the pending resolution for the same reasons.

The United States will carry out this policy on restricting arms and equipment to South Africa contained in this resolution as a corollary of the policy which we announced in August, and would do so even in the absence of such a resolution. We will act under this paragraph of the resolution and in accordance with our own law on the basis of materials and equipment whose primary uses are connected with the manufacture and maintenance of arms or ammunition. Thus we will no longer, for example, sell or provide to South Africa equipment such as artillery and ammunition lathes, shell tempers, rifle and rifle working machines, military type jigs, hydraulic presses equipped to manufacture arms and artillery casting machines and equipment for the production of military explosives. We do not regard multi-purpose items, such as petroleum products or raw materials, as being within the scope of this policy.

We do this as a demonstration of our resolve that the Apartheid policies of the government of South Africa must be abandoned and as an earnest of our intent to cooperate with other nations in this same resolve in accordance with the provisions of the Charter.

We hope that the government of South Africa will understand the full import of that resolve and that the people of good will and vision in South Africa will see to it that the present course of events in their country is revised before it leads to tragedy.

The United States also supports paragraph 6 of the resolution, which looks to a more systematic approach to the search for a realistic solution. It is difficult, I know, to speak of long range approaches when the pain and the provocation are so present and so intense. But in dealing with so intractable an issue there are no easy solutions.

Under such difficult circumstances we see merit in the idea of mobilizing the best brains we can find, and directing at least part of our attention to examining how a system of prejudice and discrimination can be in fact dismantled and new relationships based on equality of rights established. That is why the United States supports the proposal that a study group of experts be set up to conduct an inquiry under the direction of the Secretary General. None of us can, nor should be able to predict with confidence what the results of their examination of the problem will be. The experts must choose their own approaches and reach their own conclusions on the basis of the facts as they see them.

It is because of our belief that such an examination and analysis of the possibilities for a long range solution would be helpful, that the United States supported the Scandinavian initiatives in the General Assembly for an expert study of alternative possibilities in the South African racial situation.

As Mr. Haekkerup, the distinguished Foreign Minister of Denmark, told the Plenary Session on September 25: ". . . It is high time for the Assembly to give thought to the positive policy to be pursued in South Africa and to the role which the United Nations should play in coming developments. Careful studies to this end should be initiated now. If not, we may one day be taken by surprise and have reason to regret it."

Now, gentlemen, action by the Security Council and the United Nations generally is only one part of the total effort of Members of the Organization to hasten the end of Apartheid in South Africa. We all have an obligation under the Charter and in accordance with the resolutions of the General Assembly to act individually, to use our own influence to bring about a change in South Africa. The United States accepts that responsibility. We realize that, as one of the countries maintaining diplomatic, consular and other relations with South Africa, we bear a responsibility. For if the massive change we all seek is to come—and come it will—it must come from within. It will come when the supporters of Apartheid realize that the way they have chosen is, in the eyes of the world in which South Africa must live, morally intolerable, politically unviable, and economically unprofitable. The conviction that this is so will come through more—not less—contact with the realities of the modern world, including the realities of this Organization.

We are determined to have the Embassy of the United States in South Africa represent our national principles of racial equality. All—white or black—who enter its doors will be treated as always in the same dignity and respect as they are in our embassies and consulates in every country.

This, however, is only one part of the story. Another aspect is education. We firmly believe that no people can grow and develop without the advantages of higher education now denied so many South Africans. The United States—through both public and private resources—has done and will continue to do what it can to help provide such education for those permitted to seek it. It is a source of pride to me that already many young South Africans, not to mention young people from South West Africa, have availed themselves of these opportunities. The number may be small, but the impact will be great, and both, I hope, will grow.

These are constructive approaches that I believe will also contribute to the solution of this problem.

Mr. President, the struggle before us will not be over tomorrow. Would that it were.

It could if the Government of South Africa but heeded the universal conscience of humanity.

It could if the Government of South Africa put into immediate practice Article 55 of the Charter which, as we know, calls for "universal respect for, and observance of, human rights and fundamental freedoms without distinction as to race, sex, language, or religion."

In a few days we will celebrate the 15th Anniversary of the adoption of the Universal Declaration of Human Rights. I appeal to the Government of South Africa to join with us in upholding the principles espoused in that noble document and to abandon forever its policy of discrimination between men because of the color of their skin.

Until it does, it must accept the consequences of an aroused world arrayed against it.

President Kennedy once asked: "Is not peace, in the last analysis, a matter of human rights?"

The answer we give here is yes, and by our action in this Council, we shall get on with our work of protecting and advancing both. For all these reasons, the United States will vote for the draft resolution now before this Council.

APPENDIX 21

BREAKDOWN OF UNITED STATES AID TO PORTUGAL (1946-72)

	<i>Millions</i>
Total economic and military programs, 1946-1972-----	\$571.8
Of which economic programs-----	227.8
Military-----	334.0
Total programs for the Foreign Assistant Act period, 1962-1972----	198.7
Total for 1972-----	37.9

(NB: This total is more than double the amount of assistance in 1971, and eight times the amount in 1970.)

For full details, see table I.

PROPOSED AID FOR FISCAL YEAR 1974

Total U.S. Development and Security Assistant Programs proposed for FY 1974 (millions)-----	7.9
Total development assistance (millions)-----	7.1

(of which all is P.L. 480: see note below.)

Total security assistance-----	800,000
Of which: military assistance program-----	323,000
(This appears to be the cost of supporting the US Military Advisory Assistance Group, MAAG, in Lisbon. This was previously funded by the Portuguese Government. The decision that the US should take over the cost, contrary to NATO policy that other countries take over an increasing proportion of their own defense costs, is part of the Azores Agreement.)	
International Military Education and Training Program-----	477,000

(Data is taken from "U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loans Authorizations July 1, 1945-June 30, 1973", p. 159, published by the U.S. Agency for International Development, May 1973.)

EXPORT-IMPORT BANK LOANS AUTHORIZED FOR FISCAL YEAR 1972

	Purpose	Amount millions	Interest rate (percent)	Final maturity date
Angola:				
Benguela Railway Co.-----	Locomotives-----	\$1.8	6	June 15, 1983.
Maguinas E. Equip. Tecn. De Congo-----	Construction machinery and equip- ment.	.9	6	Dec. 31, 1975.
Portugal:				
Companhia dos Caminhos de Fero-----	Locomotive engines-----	1.0	6	May 15, 1980.
Emissora Nacional-----	Broadcasting units-----	.9	6	Sept. 30, 1976.

Note: In the totals for aid to Portugal, the Exim loans to Angola are not included. This means that Angola is treated, at least for statistical purposes, as an African country; and assistance to the Portuguese occupation administration there is counted in with total assistance to Africa.

Source: "Statement of Active Loans of April 30, 1973" published by the Export-Import Bank.

Total official economic assistance.....	51.2	27.5	43.8	3.0	1.5	2.2	2.0	-----	28.5	81.0	159.9	59.1	100.8
Loans.....	36.1	3.4	22.6	-----	-----	-----	-----	-----	28.5	51.1	90.6	59.1	31.5
Grants.....	15.1	24.1	21.2	3.0	1.5	2.2	2.0	-----	-----	29.9	69.3	-----	69.3

B. Other official economic programs
Export-Import Bank loans
Other loans

Total other official loans.....	-----	-----	32.2	-----	5.7	4.5	2.7	3.7	17.1	1.9	67.9	37.5	30.4
Total economic programs.....	51.2	27.5	76.0	3.0	7.2	6.7	4.7	3.7	17.1	30.4	148.8	227.8	131.2
Loans.....	36.1	3.4	54.8	-----	5.7	4.5	2.7	3.7	17.1	30.4	118.9	158.5	61.9
Grants.....	15.1	24.1	21.2	3.0	1.5	2.2	2.0	-----	-----	29.9	69.3	-----	69.3

MILITARY PROGRAMS

Military assistance—(charged to FAA appropriation).....	10.6	270.1	34.0	1.6	1.0	.5	.9	1.0	1.0	1.0	41.0	321.7	321.7
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Credit Sales (FMS)

Grants.....	10.6	270.1	34.0	1.6	1.0	.5	.9	1.0	1.0	1.0	41.0	321.7	321.7
Military assistance service-funded grants.....	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Transfers from excess stocks.....	1.7	4.1	1.1	.8	(¹)	-----	.4	.1	(¹)	(¹)	2.4	8.0	8.0
Other grants.....	-----	7.8	-----	-----	-----	-----	-----	-----	-----	6.5	6.5	14.3	14.3
Export-Import Bank military loans.....	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

Total military programs

-----	12.3	282.0	35.1	2.4	1.0	.5	1.3	1.1	1.0	7.5	49.9	344.0	344.0
Total economic and military programs.....	63.5	309.4	111.1	5.4	8.2	7.2	6.0	4.8	18.1	37.9	198.7	571.8	475.2

Loans.....	36.1	3.4	54.8	-----	5.7	4.5	2.7	3.7	17.1	30.4	118.9	158.5	61.9
Grants.....	27.4	306.1	56.3	5.4	2.5	2.7	3.3	1.1	1.0	7.5	79.8	413.3	413.3

¹ Less than \$50,000.

(Reproduced from "U.S. Overseas Loans and Grants and Assistance from International Organizations: Obligations and Loans Authorizations July 1, 1945—June 30, 1972," p. 159, published by the U.S. Agency for International Development, May 1973)

APPENDIX 22

LETTER TO CHAIRMAN DIGGS FROM SECRETARY OF COMMERCE DENT CONCERNING DELIVERY OF THREE BOEING MODEL 720 AIRCRAFT AND SPARE PARTS TO SOUTHERN RHODESIA

THE SECRETARY OF COMMERCE,
Washington, D.C., August 2, 1973.

HON. CHARLES C. DIGGS, JR.,
*Chairman, Subcommittee on Africa, Committee on Foreign Affairs, House of
Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In further reply to your letter of June 14, I would like to advise you that the investigation concerning the delivery of three Boeing Model 720 aircraft and spare parts to Southern Rhodesia is being actively pursued by the Department's Office of Export Control.

I can inform you that no U.S. Export Licenses were issued which authorized delivery of the aircraft and spare parts to Southern Rhodesia. The exportations from the U.S. were made in accordance with licenses which permitted delivery of the aircraft to an airline operator in the Federal Republic of Germany and the spare parts to a maintenance facility in Switzerland.

Information and documentation secured to date have established that the U.S. exporter was not involved in the subsequent unauthorized sale and reexportation of the aircraft and spare parts. Communications have been exchanged with various U.S. Foreign Service Posts in an effort to establish the identity of the party responsible for the unauthorized sale and delivery of the aircraft and spare parts. It is indicated that the most knowledgeable source who could furnish the information is located in Switzerland. Provisions of the Swiss Commercial Secrecy Law may obstruct investigative efforts to establish the evidence needed to initiate administrative proceedings with a view to imposing sanctions against the responsible parties.

In regard to your request for copies of the export licenses which were granted for the aircraft and spare parts, I must advise you that under the confidentiality provisions of Section 7(c) of the Export Administration Act, such information is deemed confidential and may only be made available under limited circumstances.

As you know, Congress has provided that such information can only be provided following a determination by me that "the withholding thereof is contrary to the national interest." I am disposed, as were my predecessors, to make the required determination to provide such information for the official use of a Committee of Congress upon the written request of the Chairman with appropriate assurances that the confidential nature of the information will be maintained and that it will not be disclosed to anyone other than members of the Committee and its staff. Accordingly I suggest that you undertake to have Congressman Morgan request this information on behalf of his committee. To facilitate prompt consideration of the request, the Chairman's letter should explain the nature of the Committee's interest and its relation to our export control records, identify the information needed, and provide the necessary assurances that this information will be carefully safeguarded from disclosure to anyone other than the members of the Committee and its staff.

I have instructed the Office of Export Control to inform you of the results of its investigation when it is completed.

Sincerely,

FREDERICK B. DENT,
Secretary of Commerce.

APPENDIX 23

TEXT OF FOREIGN MILITARY SALES ACT, AS AMENDED

C O N T E N T S

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Public Law 90-629 [H.R. 15681], 82 Stat. 1320, approved October 22, 1968, as amended by Public Law 91-672 [H.R. 15628], 84 Stat. 2053, approved January 12, 1971, and Public Law 92-226 [Foreign Assistance Act of 1971; S. 2819], 86 Stat. 20, 32, approved February 7, 1972

AN ACT To consolidate and revise foreign assistance legislation relating to reimbursable military exports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Military Sales Act".

Chapter 1—Foreign and National Security Policy Objectives and Restraints

Sec. 1.¹ The Need for International Defense Cooperation and Military Export Controls.—As declared by the Congress in the Arms Control and Disarmament Act, an ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress recognizes, however, that the United States and other free and independent countries continue to have valid requirements for effective and mutually beneficial defense relationships in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress. Because of the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomic for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. The need for international defense cooperation among the United States and those friendly countries to which it is allied by mutual defense treaties is especially important, since the effectiveness of their armed forces to act in concert to deter or defeat aggression is directly related to the operational compatibility of their defense equipment.

Accordingly, it remains the policy of the United States to facilitate the common defense by entering into international arrangements with friendly countries which further the objective of applying agreed resources of each country to programs and projects of cooperative exchange of data, research, development, production, procurement, and logistics support to achieve specific national defense requirements and objectives of mutual concern. To this end, this Act authorizes sales by the United States Government to friendly countries having sufficient wealth to maintain and equip their own military forces at adequate strength, or to assume progressively larger shares of the costs thereof, without undue burden to their economies, in accordance with the restraints and control measures specified herein and in furtherance of the security objectives of the United States and of the purposes and principles of the United Nations Charter.

It is the sense of the Congress that all such sales be approved only when they are consistent with the foreign policy interests of the United States, the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961, as amended, the extent and character of the military requirement, and the economic and financial capability of the recipient country, with particular regard being given, where appropriate, to proper balance among such sales, grant military assistance, and economic assistance as well as to the impact of the sales on programs of social and economic development and on existing or incipient arms races.

It is further the sense of Congress that sales and guaranties under sections 21, 22, 23, and 24, shall not be approved where they would

¹ 22 USC § 2751.

have the effect of arming military dictators who are denying the growth of fundamental rights or social progress² to their own people: *Provided*, That the President may waive this limitation when he determines it would be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations in the Senate.

Sec. 2.³ Coordination with Foreign Policy.—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Under the direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales under this Act, including, but not limited to, determining whether there shall be a sale to a country and the amount thereof, to the end that sales are integrated with other United States activities and the foreign policy of the United States is best served thereby.

(c) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

Sec. 3.⁴ Eligibility.—(a) No defense article or defense service shall be sold by the United States Government under this Act to any country or international organization unless—

(1) the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace;

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article so furnished to it to anyone not an officer, employee, or agent of that country or international organization unless the consent of the President has first been obtained; and

(3) the country or international organization is otherwise eligible to purchase defense articles or defense services.

The President shall promptly submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of each agreement entered into pursuant to clause (2) of this subsection.

(b)⁵ No sales, credits, or guaranties shall be made or extended under

² Sec. 4 of P.L. 91-672 (Foreign Military Sales Act Amendments of 1971) substituted the words "denying the growth of fundamental rights or social progress" in lieu of "denying social progress".

³ 22 USC § 2752.

⁴ 22 USC § 2753.

⁵ Sec. 1 of P.L. 91-672 (Foreign Military Sales Act Amendments of 1971) amended subsection (b), which formerly read as follows:

"(b) No defense article or defense service shall be sold by the United States Government under this Act to any country which, after the date of enactment of this Act, seizes or takes into custody or fines an American fishing vessel engaged in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States, and promptly so report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

this Act to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by any international agreement to which the United States is a party.

Sec. 4.⁶ Purposes for Which Military Sales by the United States Are Authorized.—Defense articles and defense services shall be sold by the United States Government under this Act to friendly countries solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civil action activities and that such civil action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort. *Provided*, That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Chapter 2—Foreign Military Sales Authorizations

Sec. 21.⁷ Cash Sales From Stock.—The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any friendly country or international organization if such country or international organization agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the United States, within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services.

Sec. 22.⁸ Procurement for Cash Sales.—The President may, without requirement for charge to any appropriation or contract authori-

⁶ 22 USC § 2754.

⁷ 22 USC § 2761.

⁸ 22 USC § 2762.

zation otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any friendly country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due: *Provided*, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization: *Provided further*, That the President may, when he determines it to be in the national interest, enter into sales agreements with purchasing countries or international organizations which fix prices to be paid by the purchasing countries or international organizations for the defense article or defense services ordered. Funds made available under section 31 for financing sales shall be used to reimburse the applicable appropriations in the amounts required by the contracts which exceed the price so fixed, except that such reimbursement shall not be required upon determination by the President that the continued production of the defense article being sold is advantageous to the Armed Forces of the United States. Payments by purchasing countries or international organizations which exceed the amounts required by such contracts shall be transferred to the general fund of the Treasury. To the maximum extent possible, prices fixed under any such sales agreement shall be sufficient to reimburse the United States for the cost of defense articles or defense services ordered. The President shall submit to the Congress promptly a detailed report concerning any fixed-price sales agreement under which the aggregate cost to the United States exceeds the aggregate amount required to be paid by the purchasing country or international organization. No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this section unless such articles are not generally available for purchase by such nations from commercial sources in the United States: *Provided, however*, That the President may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest.

Sec. 23.⁹ Credit Sales.—The President is hereby authorized to finance procurements of defense articles and defense services by friendly countries and international organizations on terms of repayment to the United States Government of not less than the value thereof in United States dollars within a period not to exceed ten years after the delivery of the defense articles or the rendering of the defense services.

⁹ 22 USC § 2763.

Sec. 24.¹⁰ Guaranties.—(a) The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to friendly countries and international organizations. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies) promissory notes issued by friendly countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 23, and may guarantee payment thereof.

(c) Funds made available pursuant to section 31 shall be obligated in an amount equal to 25 per centum of the contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 25 per centum of the contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

Chapter 3—Military Export Controls

Sec. 31.¹¹ Authorization and Aggregate Ceiling on Foreign Military Sales Credits.—(a) There is hereby authorized to be appropriated to the President to carry out this Act not to exceed \$400,000,000 for the fiscal year 1972.¹² Unobligated balances of funds made available pursuant to this section are hereby authorized to be continued available by appropriations legislation to carry out this Act.

(b) The aggregate total of credits, or participations in credits, extended pursuant to this Act (excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) shall not exceed \$550,000,000 for the fiscal year 1972, of which amount not less than \$300,000,000 shall be available to Israel only.¹³

¹⁰ 22 USC § 2764.

¹¹ 22 USC § 2771.

¹² Sec. 401(a) of the FAAct of 1971 (P.L. 92-226) substituted the word "\$400,000,000 for the fiscal year 1972" in lieu of "\$250,000,000 for each of the fiscal years 1970 and 1971".

FA Appropriation Act, 1972, Title II: "For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, \$400,000,000.

Armed Forces Appropriation Authorization, 1971 (P.L. 91-441), provides as follows: "Sec. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972."

¹³ Sec. 401(b) of the FAAct of 1971 (P.L. 92-226) substituted the words "\$550,000,000 for the fiscal year 1972, of which amount not less than \$300,000,000 shall be made available to Israel only" in lieu of "\$340,000,000 for each of the fiscal years 1970 and 1971".

Sec. 32.¹⁴ Prohibition Against Certain Military Export Financing by Export-Import Bank.—Notwithstanding any other provision of law, no funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such Bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically less developed country after June 30, 1968.

Sec. 33.¹⁵ Regional Ceilings on Foreign Military Sales.—(a) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, shall, excluding training, not exceed \$100,000,000¹⁶ in each fiscal year¹⁷ for Latin American countries.

(b) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), and of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b) shall, excluding training, not exceed \$40,000,000 in each fiscal year¹⁸ for African countries.

(c)¹⁹ The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed any geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling.

¹⁴ 22 USC § 2772.

¹⁵ 22 USC § 2773.

¹⁶ Sec. 401(c) of the FAAAct of 1971 (P.L. 92-226) substituted "\$100,000,000" in lieu of "\$75,000,000".

¹⁷ Sec. 3(1) of P.L. 91-672 (Foreign Military Sales Act Amendments of 1971) substituted the words "each fiscal year" in lieu of "the fiscal year 1969".

¹⁸ Sec. 3(2) of P.L. 91-672 (Foreign Military Sales Act Amendments of 1971) substituted the words "each fiscal year" in lieu of "the fiscal year 1969".

¹⁹ Sec. 401(d) of the FAAAct of 1971 (P.L. 92-226) amended subsection (c), which formerly read as follows: "The President may waive the limitations of this section when he determines it to be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

Sec. 34.²⁰ Foreign Military Sales Credit Standards.—The President shall establish standards and criteria for credit and guaranty transactions under sections 23 and 24 in accordance with the foreign, national security, and financial policies of the United States.

Sec. 35.²¹ Foreign Military Sales to Less Developed Countries.—(a) When the President finds that any economically less developed country is diverting development assistance furnished pursuant to the Foreign Assistance Act of 1961, as amended, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interfered with its development, such country shall be immediately ineligible for further sales and guarantees under sections 21, 22, 23, and 24, until the President is assured that such diversion will no longer take place. (b) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate semiannual reports of sales, and guaranties, to economically less developed countries, under sections 21, 22, 23, and 24, disclosing in detail the countries extended sales guaranties and credits and the terms and conditions of such sales, guaranties and credits; concurrently the President shall transmit semiannual reports of forecasts of sales and of guaranty and credit applications and anticipated guaranty and credit extensions to economically less developed countries for the current fiscal year.

Sec. 36.²² Reports on Commercial and Governmental Military Exports.—(a) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate semiannual reports of all exports during the preceding six months of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this Act or any other authority, or by any individual, corporation, partnership, or other association doing business in the United States. Such reports shall include, but not be limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad. In preparing such reports the Secretary of State is authorized to utilize the latest statistics and information available in the various departments and agencies of the Government.

(b) There shall be included in the presentation material submitted to the Congress during its consideration of amendments to this Act, or of any Act appropriating funds pursuant to authorizations contained in this Act, annual tables disclosing the dollar value of cash and credit foreign military sales orders, commitments to order, and estimated future orders under this Act and estimates of commercial sales orders and commitments to order received directly from any country or international organization by any individual, corporation, partnership, or other association doing business in the United States. The data

²⁰ 22 USC § 2774.

²¹ 22 USC § 2775.

²² 22 USC § 2776.

reported shall be set forth on a country-by-country basis and shall be summarized on an economically developed country-economically less developed country basis.

(c) Nothing in this section shall be construed as modifying in any way the provisions of section 414 of the Mutual Security Act of 1954, as amended, relating to munitions control.

Sec. 37.²³ Fiscal Provisions Relating to Foreign Military Sales Credits.—(a) Cash payments received under sections 21 and 22 and advances received under section 23 shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments and international organizations as repayments for credits extended pursuant to section 23, amounts received from the disposition of instruments evidencing indebtedness, and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

Chapter 4—General, Administrative, and Miscellaneous Provisions

Sec. 41.²⁴ Effective Date.—This Act shall take effect on July 1, 1968.

Sec. 42.²⁵ General Provisions.—(a) In carrying out this Act, special emphasis shall be placed on procurement in the United States, but, subject to the provisions of subsection (b) of this section, consideration shall also be given²⁶ to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this Act, there shall be taken into consideration (1) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States,²⁷ (2) the portion of the defense articles so manufactured which is of United States origin, and (3) the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.²⁸

(b)²⁹ No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed,²⁹ production outside the United States of any de-

²³ 22 USC § 2777.

²⁴ 22 USC § 2751 note.

²⁵ 22 USC § 2791.

²⁶ The words "but, subject to the provisions of subsection (b) of this section, consideration shall also be given" were substituted in lieu of "but consideration shall also be given" by Sec. 401(f)(1) of the FAAcT of 1971 (P.L. 92-226).

²⁷ Sec. 401(e)(1) of the FAAcT of 1971 (P.L. 92-226) struck out the word "and" which appeared at this point.

²⁸ The words to this point, beginning with ", and (3) the extent", were added by Sec. 401(e)(2) of the FAAcT of 1971 (P.L. 92-226).

²⁹ Sec. 401(f)(2) of the FAAcT of 1971 (P.L. 92-226) added subsection (b) and redesignated former subsections (b) and (c) as subsections (c) and (d), respectively. Although the slip law contains a comma between "licensed, production" in the first sentence, it is interpreted as "licensed production" with no comma.

fense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.

(c)²⁹ Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(d)²⁹ (1) With respect to sales and guaranties under sections 21, 22, 23, and 24, the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

- (A) the determination of military end-item requirements;
- (B) the procurement of military equipment in a manner which permits its integration with service programs;
- (C) the supervision of the training of foreign military personnel;
- (D) the movement and delivery of military end-items; and
- (E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense.

Sec. 43.³⁰ Administrative Expenses.—Funds made available under other law for the operations of United States Government agencies carrying out functions under this Act shall be available for the administrative expenses incurred by such agencies under this Act.

Sec. 44.³¹ Statutory Construction.—No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10 of the United States Code.

Sec. 45. Statutes Repealed and Amended.—(a) Sections 521, 522, 523, 524(b) (3), 525, 634(g), and 640 of the Foreign Assistance Act of 1961, as amended, are hereby repealed.

(b) Part III of the Foreign Assistance Act of 1961, as amended, is amended as follows:

- (1) Section 622(b) is amended by striking out “or sales”.
- (2) Section 622(c) is amended by striking out “and sales” and “or sales”.
- (3) Section 632(d) is amended by striking out “sections 506, 522, and 523,” in the first sentence and inserting in lieu thereof “section 506”.

See footnote 29 on p. 295.

³⁰ 22 USC § 2792.

³¹ 22 USC § 2793.

(4) Section 634(d) is amended by inserting “or any other” between “under this” and “Act” in the fourth sentence.

(5) Section 644(m) is amended by striking out “and sales” in the first sentence of the paragraph following numbered paragraph (3).

(c) References in law of the provisions of law repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act. Except for the laws specified in section 44, no other provision of law shall be deemed to apply to this Act unless it refers specifically to this Act or refers generally to sales of defense articles and defense services under any Act.

Sec. 46.³² Saving Provisions.—Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) shall continue in full force and effect until modified by appropriate authority.

³² 22 USC § 2341 note.

APPENDIX 24

TEXT OF EXECUTIVE ORDER 11501, AS AMENDED

Executive Order 11501, December 22, 1969, 34 F.R. 20169, as amended by Executive Order 11685, September 27, 1972, 37 F.R. 20155

Administration of Foreign Military Sales

By virtue of the authority vested in my by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The following functions conferred upon the President by the Foreign Military Sales Act (Public Law 90-629), hereinafter referred to as the "Act", are hereby delegated as follows:

- (a) Those under section 3(a) of the Act, with the exception of 3(a)(1), to the Secretary of State.
- (b) Those under section 21 of the Act to the Secretary of Defense.
- (c) Those under section 22 of the Act to the Secretary of Defense.
- (d) That under section 23 of the Act to the Secretary of Defense.
- (e) Those under section 24 of the Act to the Secretary of Defense.
- (f) Those under section 34 of the Act to the Secretary of State. To the extent the standards and criteria for credit and guaranty transactions are based upon national security and financial policies, the Secretary of State shall obtain the prior concurrence of the Secretary of Defense and the Secretary of the Treasury, respectively.
- (g) Those under section 35(a) of the Act to the Secretary of State.
- (h) Those under section 35(b) of the Act to the Secretary of Defense.
- (i) That under section 42(c)¹ of the Act to the Secretary of Defense.

SEC. 2. Nothing in this order shall be construed as modifying in any way the responsibility conferred upon the Secretary of State by section 2(b) of the Act for the continuous supervision and general direction of sales under the Act, including, but not limited to, determining whether a sale should be negotiated, concluded, or terminated and the amount thereof.

SEC. 3. In carrying out the functions delegated to them under this order, the Secretaries of State and Defense shall consult with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the Director of the Arms Control and Disarmament Agency on matters pertaining to their responsibilities.

SEC. 4. All functions conferred upon the President by the Act that are not delegated by the provisions of this order are hereby reserved to the President.

SEC. 5. Funds appropriated to the President for carrying out the Act shall be deemed to be allocated to the Secretary of Defense without any further action of the President.

SEC. 6. References in this order to the provisions of the Act shall be deemed to include references thereto, respectively, as amended from time to time.

RICHARD NIXON.

THE WHITE HOUSE,
December 22, 1969.

¹ Part II of Executive Order 11685 substituted "42(c)" in lieu of "42(b)."

APPENDIX 25

SPEECH BY BRUCE J. OUDES TO THE AFRICAN STUDIES ASSOCIATION ON NOVEMBER 10, 1972

OBSERVATIONS ON AMERICA'S POLICY PROBLEMS IN SOUTHERN AFRICA

(By Bruce Oudes*)

Southern Africa is one of the three areas of great regional tension now affecting the conduct of world diplomacy. As our obsession with Southeast Asia diminishes, Southern Africa and the Middle East assume more importance. *Because* of the generation of peace being negotiated with China and the Soviets (and not in spite of it), we shall grow increasingly mindful of the continuing violence in these areas. Local problems move to the fore as the threat of world war appears to subside. Matters of unfinished business will not be neglected; we have seen them sprout up in Canada with regard to language, in Britain with regard to religion, and in Southern Africa with regard to race. Since the first two are the domestic concerns of sovereign states, they are not nearly as complicated in policy terms as an international question such as Southern Africa.

Those whose priority is to support the goals of the black side of the racial conflict in Southern Africa may regard my perspective as too detached. This, however, is deliberate. I believe that a central problem of the committed in trying to communicate with the uncommitted is that too often they cannot see the forest for the trees. As a result, the uncommitted whose priority is an adequate and sensible U.S. foreign policy—particularly those who hold positions of authority in the Executive, in Congress, and in the media—do not realize that there is a forest of major problems for United States policy in Southern Africa. The fact that the bipartisan U.S. policy toward Southern Africa—one that endured if only by accident for a decade—has since 1971 totally collapsed means little to these people. Most do not even realize that it has collapsed: a fascinating example of the relationship between public opinion and government. The press isn't writing about it so the politicians don't think it important; the politicians aren't talking about it so the press doesn't think it important. Americans interested in Africa, however, have a difficult time breaking this cycle because of the assumption of the uncommitted that all "Africanists"—be they journalists, academics, or diplomats—are apologists for Africa, spokesmen for their African clients. Comparable terms such as Asia specialist, Europeanist, Kremlinologist, or China watcher just do not have the same perjorative connotation. The uncommitted recognize Asia, Europe, Russia and China as areas of central U.S. foreign policy concern, and Americans interested in foreign policy (as opposed to those interested in Africa) tend to gravitate toward specialties in these areas. Southern Africa thus shares the low ranking accorded policy toward the whole of Africa.

Further, many Americans interested in Africa are interested in United States policy only peripherally. I am reminded of a comment made by an academic some years ago but still pertinent. After participating in an advisory session in Washington for the State Department's Africa Bureau, he said, "Heck, I've spent all my life thinking about the African interest—the end of colonialism—and now they want me to think about the American national interest." Many cannot bring themselves to think of Africa policy in hard-nosed terms: Africa's needs are so

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great and the transition in thinking would be too great. But it is this kind of thinking which must be emphasized if the uncommitted are to be convinced that there really is an important series of problems for the United States in Southern Africa, ones that had better be handled quite sensitively if a possibly avoidable war is not to become inevitable. In other words, Africanists, in order to regain credibility, have to think more presidentially than the President. There is nothing wrong with thinking about Africa policy in tough-minded terms; those who do so are demonstrating not less but a different kind of respect for Africa. Indeed, many African leaders would view the United States with greater respect if Americans were to regard Africa policy questions in more mature terms. Sentimentality is patronizing and constitutes an unsound basis for national policy. I dwell on this point precisely because it colors so heavily all that follows.

Many who analyze U.S. Southern Africa policy make a series of unarticulated assumptions and then immediately offer their prescription as to what the U.S. should do. However, the question invariably posed by analysts of the central threads of U.S. foreign policy is: Why should the U.S. take any initiatives at all? Only when that question is convincingly answered based on the U.S. national interest and respect for the sovereignty of other states will professionals in the foreign policy field properly be interested in considering in precise terms what should be done.

The question of Southern Africa has been almost universally regarded as a moral problem. The committed on both sides of the Zambezi as well as on both sides of the question here in the U.S. constantly argue their views in moral terms. The uncommitted American accepts this interpretation at face value. After all, a strong historical legacy of morality beginning with white guilt for slavery is superimposed on every aspect of U.S.-African relations. Most U.S. policymakers are of European rather than African ancestry.

Henry Kissinger visited South Africa in the mid-sixties. According to associates, he thought the situation was horrible but there was not much the U.S. should do about it. His thinking—like that of any sound foreign policy analyst—runs to a reluctance to recommend moral crusades. Besides, his twin concerns since childhood have been those of so many American policy analysts: fascism and Soviet and Chinese communism. If racism as the proclaimed national policy of another sovereign state ever becomes a *bona fide* enemy of the United States government, it will not be on the recommendation of a prudent foreign policy analyst. Rather it will be because an elected official, the President, has seen fit for domestic political reasons to give weight to morality in questions of foreign policy.

It was as a result of the political process that foreign policy professionals of an earlier generation came to accept as a given factor in formulating their recommendations the view of fascism and communism first as abhorrent to the United States and then as a threat to the security of the U.S. However, South Africa is not a threat to the U.S. in the military sense; on the contrary, South Africa seeks to make itself appear indispensable to the West and would like to become an official ally of ours like Portugal. Thus questions arise over why the United States should gratuitously play the role of policeman in South Africa, particularly when the U.S. record on race relations is far from perfect. The recommendation of the foreign policy professional looking at Southern Africa through the prism of morality and of America's experience with the Soviet Union and Nazi Germany would be that the U.S. not declare open hostilities on South Africa until and unless the federal government's unwillingness to do so causes sufficient disruption to the domestic tranquility of the U.S. or, more seriously for a politician, until it threatens to influence substantially the outcome of a national election.

The Southern Africa question becomes even more complicated when we add to this perspective another episode from U.S. diplomatic history—the decision by Harry Truman to recognize a sovereign Israeli state. That decision was a moral one. President Truman took the advice of domestic advisor Clark Clifford over that of Secretary of State Dean Acheson. The long-term problems that Acheson foresaw in the Middle East due to the presence of a sovereign Israeli state and the difficulties this state might create for American firms interested in Arab oil were accorded less importance than the emotional desires of many—particularly Jewish—Americans. Also, deep within the American psyche was cognizance of the fact that the U.S. had not done all it could have in the thirties to help the Jews leave Europe before it was too late.

Does one moral decision deserve another? Is U.S. support for Israeli sovereignty a precedent for affirmative U.S. action in Southern Africa to help black

people? A foreign policy professional would say no, what are in effect two wrongs do not make a right. While the ramifications of the Israel recognition precedent for black nationalism in developing its case for U.S. support of African liberation are enormous, the point that must be stressed is that as long as proposals for U.S. action against white minority rule in Southern Africa are couched in moral terms, the professionals that dominate the U.S. foreign policy establishment will not be moved by those proposals.

I would therefore suggest that moral issues be removed as much as possible from the policy debate. As far as the uncommitted are concerned, the central question is not what the U.S. should do, but rather why the U.S. should do anything at all. By taking a hard-nosed look at Southern Africa, by viewing the situation there in relation to our own hopes for international peace and prosperity, we can perhaps answer this question more convincingly than in the past.

POLICY CONSIDERATIONS

There are four major factors which should be uppermost in the minds of those responsible for the conduct of diplomatic relations in Southern Africa. Each of these—the Sino-Soviet conflict, the relationship of Southern Africa to the problem in the Middle East, the long-term welfare and security of U.S. citizens and corporations in Southern Africa, and the desire for peace (or conflict control)—should be considered individually and in relation to the others.

CHINA VS. RUSSIA

For China, Southern Africa and the Middle East are places where Peking gets two for the price of one: with any given action it can embarrass both the NATO and the Warsaw Pact powers. Southern Africa is even more fertile in this regard for China than the Middle East. When China supports Palestinian liberation and says the Soviets are soft on Israel, the world knows that a Soviet-supported showdown with Israel would mean world war. However, when China steps up its involvement in support of African liberation and says the Soviets are soft on South Africa, Soviet excuses are less credible because the commitment of NATO powers to the support of white regimes in Africa is not nearly so great as that of the U.S. to Israel. China recently became the first permanent member of the Security Council to join the UN Council on Namibia. This poked a deft jab at both the United States, which is doing its best to destroy the UN, and the Soviets, who certainly have been reluctant to see it develop meaningful authority. The Soviets subsequently became the second permanent member to join the Council.

Membership in the UN has brought China much closer to Southern Africa. In both New York and Southern Africa it now seems quite reasonable to suspect that China will increasingly take advantage of the broad opening it has to embarrass Moscow and Washington. Meanwhile, the Soviets for the present are determined not to embarrass Richard Nixon. Once they obtain Most Favored Nation trade status and Export Import Bank facilities, the situation might change a bit. Certainly Moscow will be under pressure from Peking to tweak the U.S. more on Southern Africa.

SOUTHERN AFRICA IN RELATION TO ISRAEL AND THE ARAB WORLD

To the extent that a lid is kept on direct military clashes in the Middle East and in Southern Africa, all sides seem to expand a greater percentage of their energy in the search for allies which, in time, ranges farther and farther afield.

The Arab-Israeli conflict, of course, has ramifications in the Persian Gulf as well as in Southern Africa. To complete the triangle, tension in the Persian (Arabian) Gulf has implications for Southern Africa. At present, the constellation of forces which South Africa and Portugal are promoting would put Iran and Pakistan on their side along with the U.S., Israel, and Europe.

The development of Iranian ties with South Africa is significant in this context as is the establishment of direct air service from Lourenço Marquis to Karachi. From Lisbon's point of view, it is difficult to fault its attempt to drive a wedge into Muslim solidarity on Southern Africa. India's approach to Iraq similarly is an astute attempt to avert facing a solidly hostile Muslim world. As the political influence of the Arab states grows, matching their oil income, we are likely to see the development of intricate and unusual alliances in the Western Indian Ocean. Ultimately, the Arabs must realize that when they convert their oil wealth into gold, they help South Africa; but when they spend it for economic

or military development in Africa or the Arabian Peninsula, this ultimately works toward strengthening the liberation elements in Southern Africa. The U.S., already allied with Iran and Israel, will do well to avoid accepting Lisbon's version of "reality" in the Western Indian Ocean. This is yet another reason why the maintenance of close U.S. relations with Saudi Arabia is of such crucial importance.

Israel's position in Black Africa has deteriorated sharply since 1967. This is reflected in the pro-Arab resolution on the Middle East adopted by the Organization of African Unity in 1972. For a decade Israel was able to function quite well diplomatically in Black Africa by relying on a small but efficient aid program and traditional black suspicion of the Arabs. That line-up is now gradually breaking down. While Black Africa's suspicion of the Arabs will probably never disappear entirely, I suspect that there will be a growing willingness in Black Africa to play the Arabs (who now have money to burn) off against Israel. Earlier lessons were well learned, and if you can no longer play Moscow directly off against Washington, you start thinking about which other countries might lend themselves to such dealing.

One need not look far to find a Southern Africa-Middle East syndrome in microcosm. Though it was not reported in the papers, last summer an interesting exchange occurred at the meeting of the Democratic Platform Committee in Washington. Ed Epps, a twenty-six year old black youth organizer from Oakland, California, was on the foreign policy subcommittee. He told me he had become active with respect to Southern Africa while participating in a seminar organized by a Washington-based group of graduate students interested in new direction in U.S. foreign policy. Epps did not favor a pro-Israel plank, but he had a resolution on Southern Africa that he wanted passed. He was approached by what he described as "two Jewish McGovern delegates" who told him quite bluntly that if he opposed them on Israel, they would oppose him on Southern Africa. Epps said he kept his mouth shut on Israel and at two a.m. his measure passed by unanimous voice vote. His plank is part of Democratic Party policy today, and it states that there should be no U.S. tax credit allowed for American firms operating anywhere in white minority-ruled Africa. What this illustrates in domestic terms is that the Israeli lobby is highly vulnerable to black pressure on Southern Africa. The incident also suggests that if you can reduce Black-Arab suspicion and if, at the same time, Africans make a priority of Southern Africa, then things start to happen. Israel, meanwhile, is in a very difficult position with regard to Southern Africa. It can condemn apartheid verbally but do little more without jeopardizing private donations by Jewish South Africans to Israel.

There is an incongruous coalition of forces working to identify white Israel with white Africa; this includes the Arabs and their Soviet and Chinese friends as well as South Africa and Portugal. As the "Red Menace" subsides in the minds of Americans, South Africa and Portugal become increasingly busy justifying their indispensability to the U.S. on grounds that they are among Israel's best friends. Their speeches delivered in the General Assembly in 1972 in support of the U.S.-Israeli position on terrorism were indicative of their desire to get Europe and the United States to regard the Blacks and the Arabs together as a united, hostile bloc.

The greater the ties between Israel and white Africa, the more Black African unity with the Arab world is promoted. Thus Israel, South Africa, the United States and NATO are seen as the enemy, and China and the Soviet Union come forth as the "true" friends of Afro-Asia.

We are already familiar with South Africa's reliance on variants of the Cape Route theory to justify its strategic importance to the defense of Israel. Portugal is much better placed; it has the Azores. Fully loaded C-5 transports can make it nonstop from the United States base in the Azores to Israel. I understand that the U.S. F-4's being delivered to Israel also go via the Azores. Equipped with special fuel tanks they can make it from the U.S. to Israel with one stop: the Azores. And so the Azores are no longer just a symbol of NATO's alliance with colonialism and racism; they also are becoming a symbol of the alliance of Israel and its friends with white-ruled Africa. The Israel connection was effectively used by those in the White House who persuaded the President to approve the 1971 executive agreement on the Azores base.

Israel, meanwhile, apparently feels that it needs to retain its credibility in Black Africa. The Israelis scoff at the notion that the Portuguese Azores are necessary to Israel's defense. Surely they will join the Arabs in voting for the admission of Guinea-Bissau to the UN under PAIGC leadership. If Black

Africa insists on intensified Israeli support for change in Southern Africa as its price for taking a balanced view of the Middle East, then Israel—whose own position in Africa south of the Equator is circumscribed by both its relative strength and the potentially hostage Jewish community in South Africa—will need the U.S. to act, in effect, as a surrogate taking a leading diplomatic role working toward accelerated change in Southern Africa. This is an important justification for progressive U.S. steps on Southern African questions at this time. There is irony in the concept of justifying policy in Southern Africa supportive of black aspirations in terms of what it will do to enhance the security of the Jewish state, and we are likely to see numerous ironies develop in the relationship of the Middle East to Southern Africa as time goes on. If somehow there were no Middle East conflict, then China's ability to embarrass the U.S. on Southern Africa issues would be reduced substantially.

CONFLICT CONTROL

The prevention of open warfare in Southern Africa is largely dependent upon accommodation through negotiation. Accommodation in this situation is synonymous with peaceful change, and peaceful change has been the cornerstone of U.S. policy since Sharpeville. In recent years it has become a code phrase for no change. Robert Good has suggested that if we can't support change, the least the U.S. could do would be to drop its insistence on peace. Charles Diggs goes further and calls on the U.S. to recognize the right of the liberation movements to gain majority rule by "whatever means are necessary." While Diggs' use of the word "necessary" indicates his preference for peaceful negotiation, there is a strong desire to see American criticism of the use of violence by the guerrillas cease. This stand is basically that of the Lusaka Manifesto. The Nixon Administration endorses the Lusaka Manifesto—but not the Diggs position.

If our official policy remains the encouragement of peaceful change, how can peace be maintained if there is in fact no change? Conflict control is the primary objective of diplomacy. It is peace with or without justice. Peace is a moral concept. Justice is a moral concept. We are faced with potentially competing moralities unless there is accommodation. Yes, morality is linked to conflict control. Whites here and in Southern Africa argue that the most important morality is peace. Blacks say that justice is the most important morality. The President of the United States must decide which is the most important at any given time.

To be sure, every President dealing with Southern Africa will outline his policy decisions in terms of conflict control. Since there has to be a cornerstone for policy pronouncement, I would prefer that the slogan for U.S. policy in Southern Africa be *peace with justice* rather than peaceful change. In Rhodesia, Britain has abused the term "change" and drained it of all sense of urgency by defining it as "unimpeded progress" within a fundamentally unspecified time frame. A new slogan is needed to signal a new U.S. approach to policy in the region, an end to tokenism.

THE PROTECTION OF U.S. CITIZENS AND THEIR INTERESTS

Business thrives on stability and prefers the morality of peace to the morality of justice. Nevertheless, it will always manage to accommodate itself to change. It is interesting that the Nixon Administration's Southern Africa policy has paid lip service the equal pay for equal work campaign, a campaign which could reduce the profits of U.S. firms there. However, such lip service does not extend to the point of supporting the equal pay for equal work bill sponsored by Congressman Diggs.

In any given foreign situation, advice from the American business community to the President will always stress preservation of the status quo—except where embargoes are involved. There are five U.S. embargoes in Southern Africa: two involving South Africa, and one each involving Namibia, Southern Rhodesia, and Portugal. Business, quietly or otherwise, wants them removed.¹ American busi-

¹ The decision of the U.S. government in 1972 to permit the export of a \$5.5 million DC-8 which found its way into the hands of John Malloch, the well known Rhodesian aviation entrepreneur, plus the decision to allow U.S. firms to sell franchises in Rhodesia indicates an administration willingness to breach the spirit, if not also the letter, of Rhodesian sanctions. It is now no longer correct to say that except for the Byrd amendment the U.S. has observed sanctions as well as any nation. Britain has been much more strict in observing sanctions than the U.S. At the same time, U.S. government decisions to train some Portuguese pilots in combat support tactics, to provide Export-Import Bank support of aircraft and helicopter sales to Portuguese Africa, and Ex-Im support of U.S. investment in Portuguese Africa suggests an important erosion of U.S. embargoes in Portuguese Africa.

ness—particularly American business abroad—does not usually think ahead more than ten or at most twenty years. It is up to the President to determine whether these embargoes are in the national interest and, if so, to explain to business that it must swallow programs crimping short-term operations in order that U.S. business will be welcome in a given area over the long-term.

What, then are the considerations that should govern our actions in Southern Africa? First, I believe we should support Israel's diplomatic flank in Africa. Second, we should not permit China and the Soviet Union to work us into a corner in the region. Although he has advisers who are not at all convinced of this, I hope that the President can be made to see the essential phoniness of the Cape Route theory: When faced with a choice—which is the case in Southern Africa—the U.S. must (without jeopardizing Israel's existence) support the legitimate policies of the Black and Arab nations that have such a large share of the world's energy reserves, rather than those white minority-ruled states such as the Portuguese territories and South Africa which only have harbors that can be useful in protecting the energy supply lanes from Soviet naval adventurism once the resources have passed out of the hands of the producing nations. What is the use of having ultra-secure supply lines if such can jeopardize the supply at its source? Nigeria is now the world's sixth largest exporter of oil and the third largest U.S. supplier of imported crude oil—ranking behind Canada and Venezuela. Even if the President is unwilling to take positive steps against colonialism, he should not make a commitment to the defense of colonialism. Third, the President should act to protect the long-term welfare of U.S. interests in Southern Africa—interests which are linked to the moral issues as well as to conflict control.

When one state sends competing messages to another, confusion and miscalculation result. In the extreme, miscalculation is the root of war. The breakdown of the bipartisan coalition on Southern Africa means that the United States is now sending two sets of messages to the opponents in Southern Africa—one from the Democrats and another from the White House. The people of Southern Africa have trouble enough understanding each other without having the situation made worse by conflicting messages from Washington. If the United States is to act responsibly with respect to a regional conflict abroad, the least it must do is send a clear signal regarding its views so that the U.S. will not be held to account for any miscalculation the opposing parties may make. This alone is justification for a full-scale national debate on Southern Africa, one with the goal of re-establishing a consensus on policy toward the region.

THE UNITED STATES AND SOUTHERN AFRICA: WHAT IS TO BE DONE?

The point of departure in developing U.S. policy in Southern Africa should be recognition of the distinction between sovereignty and colonialism. South Africa is sovereign until and unless an American president makes a moral decision in response to domestic pressures to breach that sovereignty. None of the recommendations which follow involve interference in the internal affairs of a sovereign state. Whenever South Africa ventures abroad, however, it loses the cover of sovereignty. South Africa's foreign policy in my view includes its colonial control of Namibia as well as varying degrees of economic, military, and political involvement in several states of the region (those ruled by Blacks as well as those ruled by Whites). The U.S. policy regarding South Africa's foreign policy should be one of *selective containment*, not one of strict containment (the block-ade approach which has been frequently and unsuccessfully proposed).

The U.S. approach to South Africa's domestic problems should be, for the present, one of helpfulness combined with firmness. Our objective should be to encourage South Africans to consider their future in realistic terms and to face up to the choices which lie ahead—choices which have been for the most part obscured by the limits of the present political spectrum in South Africa. In other words, the U.S. should help South Africa help itself.

The first step in putting this policy into practice would be dispensing with the traditional U.S. objection to apartheid when that term is defined as partition rather than domination. And by partition I refer to partition on a grand scale—not just hundreds of easily controllable black spots. The troubled racial history of America does not give this country in all humility the right to say to another nation that Black and White *shall* live together. If the United States drops its ritual condemnation of partition as an acceptable solution for South Africa, then we are simply saying: "partition or integration, the choice is yours." I do think,

however, that the U.S. should insist that *all* South Africans participate in this decision.

This policy meshes very poorly with present reality. In South Africa white power is the ruling force, and the U.S. will have to take effective steps to induce South Africa's Whites to adopt a frame of mind more willing to accept their real long-term alternatives. The only way to accomplish this begins with informing the white elite in South Africa that it is highly dispensable to U.S. national interests. The U.S. must make it clear that if the USSR, China, or any African force launches any sort of military invasion of South Africa, under no circumstances will the United States intervene in support of South Africa. Similarly, the U.S. must decide now and announce publicly that should it find itself in superpower confrontation it will not call on South Africa for help. These points are still far from being stipulated U.S. policy. In explaining the U.S. embargo on arms sales before the United Nations in 1963, Ambassador Stevenson added the caveat that the United States reserves the right to resume such sales should the world situation so warrant. Indeed, this is the basis for the widespread South African belief that "when the chips are down, you Yanks will be with us." Sorry, but we won't. The fact that we are serious in this regard must be underscored by ending all military and military-related cooperation with South Africa. U.S. credibility will further depend on the effectiveness of the steps we take in cooperation with others to bring colonialism to an end throughout the balance of that region.

Human contact between any element of South African society and American society falls under one fundamental heading, presently referred to as communication, and I believe that the U.S. should keep open all channels of communication. Communication is, in effect, the carrot with which one can hope to subtly entice the South African leadership to move toward increased human rights in order to continue to enjoy relatively civil treatment from others. However, without the stick—the compensatory factor implicit in termination of military cooperation and steps to combat colonialism—without these, policy cannot be balanced. South Africa would only be led to believe that communication is a policy substitute for change. In short, a carrot and stick policy without the stick means that the carrot is a waste of time, a cover-up masking a static, business as usual policy.

Falling between military relations and cultural relations with South Africa is the economic sphere. Beyond the basic requirement that no U.S. government funds should be used in any way to promote or subsidize U.S. trade with and investment in South Africa, we should remain flexible.² The extent of our goodwill—and I want to stress this—must be tied to the fairness of South Africa's visa policy and the stubbornness with which South Africa pursues aggressive policies in Namibia, Mozambique, Angola, and South Rhodesia.

Any increase in strictures placed on U.S. economic dealing with South Africa must be related to South Africa's utterly capricious visa policy toward Americans. If South Africa wants to isolate itself, that is its own business; but if it continues to grant visas selectively, then the United States will be forced to be selective in its economic contact with South Africa.

Recently, the South African Minister of the Interior, Mr. Mulder, said that Americans investigating the conduct of U.S. firms in South Africa would no longer be granted visas. Any state is perfectly correct when it does not grant visas to those who advocate the violent overthrow of its government. However, when a government demands of its visitors that they endorse the policies of that government, then it is only inviting retaliation from abroad.³

I would like to add a word here regarding the kind of self-censorship that many Americans exercise on themselves in the hope of obtaining a South African visa. It would be appropriate for an organization such as the African Studies Association to recommend that no academic be penalized professionally because of failure to have firsthand knowledge of white-ruled Africa due to a visa refusal. The U.S. developed a corps of China watchers in Hong Kong; it may well have to

² Despite America's personal sympathy with the efforts of the "Bantustan" leaders to develop Black power through legal channels, the U.S. government should not furnish economic assistance to any of these entities until they are granted sovereign independence. To do otherwise would mean that the U.S. government would have a stake in "Bantustans" as the answer to South Africa's future and would make Washington an ally of Pretoria in this endeavor.

³ Senator Jackson is attempting to link the growth of economic ties with the Soviet Union to Moscow's willingness to grant exit visas to its citizens. The corollary with respect to South Africa would require, among other things, that Pretoria grant its citizens exit permits and passports if it wants continued, relatively normal, economic contact with the United States.

develop the practice of doing its South Africa watching from Botswana, Lesotho, and Swaziland.

Mr. Vorster should be made to realize how important the visa question is. It is one concession moderate Americans must have from the present South African leadership if they are to continue to argue for policies of moderation, policies designed to avoid rather than precipitate violence.

The question of whether one should take advantage of an opportunity to obtain a visa (i.e. whether Americans should visit South Africa) is a matter of individual conscience. The U.S. government, of course, should not ordinarily limit the right to travel. Many in this country argue that Americans should not visit South Africa. I disagree. First of all, one can easily come to discuss South Africa intelligently on the basis of first-hand knowledge. You can never forget apartheid once you've actually experienced it.

I would like to call attention to a phenomenon which I have observed during travels in South Africa. When an American, black or white, visits any country in Africa north of the Zambezi, he or she in virtually all cases is distinguishable as a foreigner. However, when a white American visits white-ruled Africa, he almost invariably blends into the scene to such an extent that most South Africans assume that he is one of their own until the American opens his mouth and starts talking. Black Americans, however, are more readily perceived as foreigners. It is, of course, possible to mistake a black American for a black South African, but this, I suspect, happens much less frequently than in the case of Whites. This suggests that it is the white American visiting South Africa who in this instance is *The Invisible Man*. One has the urge when in South Africa to wear a sandwich board saying "I'm not South African. I'm not part of this system."

The strains and problems that a black American must endure in visiting South Africa should not be underestimated. Any black American must expect "incidents." Nevertheless, the black Americans should be encouraged to visit South Africa. A black American defies the stereotypes held by white South Africa simply by walking down the streets of Johannesburg. Merely by his presence, a black American visiting South Africa is the rough equivalent of a Freedom Rider. He is, in effect, participating in a sit-in when he is sitting in South Africa.

U.S. credibility in South Africa will depend on our willingness to take effective steps to bring colonialism to an end throughout the rest of that region. Namibia is potentially South Africa's achilles heel. It is also important for Southern Rhodesia to realize that Chapter VII sanctions will be in effect over the long term. Portugal is by any yardstick the keystone in a credible U.S. policy in Southern Africa. South Africa is at least in Africa. Portugal is in Europe. The United States should institute an *escalating quarantine* of Portugal to correspond to Lisbon's reluctance to negotiate a settlement in Africa. If need be, the U.S. should call for suspension of Portugal's membership in NATO. In the short term, I regard the Portuguese African situation as the most volatile in the diplomatic sense. When the PAIGC proclaims itself a government and applies for membership in the United Nations so it can ask the Security Council for Chapter VII action against Portuguese aggression, this perhaps will hasten the day when Lisbon grants independence to "lait au cafe" governments in Angola and Mozambique. That development would force very tough decisions on recognition on friends of Portugal such as the United States. Should the U.S. recognize governments proclaimed by the guerrillas in the Portuguese colonies or those proclaimed by Lisbon? The U.S. should make it quite clear to Portugal that it does not want to be put on the spot in that fashion. This could be communicated in a most convincing manner by announcing as a corollary to present policy the recognition of the right of Africans in the Portuguese colonies to use "whatever means are necessary" to persuade Portugal to negotiate with legitimate African nationalist forces.

AFRICA POLICY AS A CHAPTER OF SOUTHERN AFRICA POLICY

One cannot, of course, consider U.S. policy toward Southern Africa without considering policy toward the OAU member states as well as toward Europe. U.S. Africa policy is America's most foreign policy. If the Southern Africa problem did not exist, one could probably live with the *ad hoc* melange that now constitutes U.S. Africa policies. I am not opposed to Europe playing a maximum feasible role in Africa, so long as that is a constructive and positive role. I merely contend that the development of coherent policy toward Southern Africa

requires that the U.S. order its thoughts about Africa policy as a whole. It is the crisis that demands the attention; the tail that wags the dog.

Africa policy should be based on explicit recognition of that continent's geographic position as not contiguous to either China, the Soviet Union, Japan, or the United States. The U.S. should encourage the OAU to consider a Conference on African Security to which it should invite the major non-African powers who were not its colonial masters. The goal of such a conference would be to provide guidelines for establishing cooperation between the Soviet Union, China, Japan and the United States in support of Black Africa.

An adequate policy in Southern Africa also demands that the United States be willing to criticize the policies of the European Economic Community with regard to its African associates, but it is reluctant to criticize Europe's violation of sanctions on Rhodesia, sales of arms to South Africa, and general foot-dragging on Southern Africa. Portugal, of course, is the most delinquent of the European powers. Yet when one suggests that American criticism of European actions in Southern Africa is warranted, one challenges the most sacred assumptions of the U.S. foreign policy establishment. The European firsters twist and turn. Some paint a picture of the U.S. as a pitiful, helpless giant by suggesting that Europe might clobber the U.S. by retaliating in monetary negotiations or some other sphere. I suggest this kind of linkage is nonsense.⁴ The Israeli lobby generally prefers that the United States reserve what political leverage it has with Western Europe for use in the event of a blow-up in the Middle East, but this attitude is vulnerable to pressures already mentioned.

FOUR MORE YEARS

Against the background of what I would propose as moderate and adequate U.S. policy toward the various actors in the Southern Africa complex, how does the Nixon Administration stack up? It was not really possible to criticize White House policy seriously until 1971. Seen as an isolated series of actions, the earlier chipping away at the existing embargoes seemed rather insignificant at the time. I had to give the Administration the benefit of the doubt; I did not think the White House could actually adopt a pro-white policy on Southern Africa. The "hands-off" policy advocated by the Administration with respect to the South African sugar quota was at least understandable as part of a general policy of indifference towards Africa. The steps on Namibia in 1970 in which Ambassador Charles Yost played such an important part were progressive.⁵ The position of the White House on the Byrd Amendment in September 1971 began to change my mind. The U.S. decision to support Britain's proposed settlement on Rhodesia in November 1971 raised even more questions. If the U.S. successfully works to oust the UN from the Rhodesia question, peaceful change will no longer have a chance in that country. But what really did it, what really convinced me that the time had come to blow the whistle was the tilt towards Portugal in December 1971. A convenient equilibrium had been established over the years in remaining in the Azores on only an *ad hoc* basis. If the United States was unwilling to press Portugal on Africa, at least Washington had not entered into any agreements underscoring the Luso-American alliance and insulting the liberation movements.

Developments have been rapid since December, 1971, and will probably continue at an accelerated pace during Nixon's second term. George McGovern apparently never understood any justification other than moral grounds for U.S. action in Southern Africa; thus his statements, while generally acceptable, were not exceptional. Nevertheless, a McGovern victory would have given the Republicans a chance to rethink their views on Southern Africa during four years out of office, and the bipartisan coalition might have been patched up. At present, however, we appear to be entering four more years with an established Southern African policy. It seems safe to predict that the confrontation between Congressman Diggs and President Nixon will grow into one of major proportions.

⁴ Assistant Secretary of State David Newsom's visit to London and Bonn in March 1972 illustrates that at least State's Africa Bureau would like to persuade Europe to persuade its firms to improve employment practices for Blacks in their South African subsidiaries. Newsom later said he found a "willingness to follow our lead" in Britain and West Germany. Unfortunately, such demarches do not have the firm White House backing that they would need in order to be genuinely effective.

⁵ The potential significance of the 1970 action was sharply limited by a Treasury ruling announced in May 1972, that U.S. firms in Namibia could continue to receive U.S. tax credit for taxes paid to South Africa.

The advent of a more liberal Senate means that the right wing allied with business will not again be so successful in their use of the Byrd Amendment technique. Thus the opponents of the President will be able to concentrate a bit more on taking the offensive.

As for the White House, it will continue to support American trade with and investment in South Africa and Portugal. If criticism becomes apparent in the White House, the President will probably counter with a trip to Africa. Nixon is very fond of firsts, and I am certain that he is personally aware that, with respect to high level official junketing in Africa, the only remaining U.S. first is an extended tour on the part of a President in office. Mr. Nixon would visit favored African states—ones with satellite TV relay facilities like Ethiopia, Kenya, Zaire, and one of the Francophone states—and strike back at his critics with evidence of continuing warm support for the United States in Black Africa. Only Nigeria might receive him with a measure of reserve.

If I seem too harsh on the President, accusing him of using Black Africa as little more than a re-election stage prop, it's because I cannot forget the film footage of Mrs. Nixon in Africa which was frequently used in Republican telecasts just prior to the election.

During the next four years, Congressman Diggs and his supporters will attempt to influence policy, and more importantly, will use the White House as a foil to develop Southern Africa as a major foreign policy issue in 1976 and beyond. In 1972 only the government in Saigon stood to lose more than Lisbon and Pretoria by the defeat of Richard Nixon. By 1976 I believe that the situation will be such that no government will have more to lose by the defeat of a Republican such as Spiro Agnew than the governments of Portugal and South Africa.

At long last, Southern Africa may be coming into its own as a policy problem for the United States. This is due not so much to developments within the region itself as to the relationship of that region to the Middle East and to the workings of fate in the United States: the defeat of George McGovern. I agreed with former Ambassador Yost when, in early 1972, he wrote that he feared that Southern Africa would become a front page problem for the United States. I too would like to see a generation of peace which would allow the U.S. to devote more of its front pages and more of its energy to pressing problems here at home. As far as U.S. policy toward Southern Africa is concerned, however, that does not seem to be in the cards. A National Security Council staff member suggested to me last spring that Southern Africa policy had merely gotten "out of phase" due to Henry Kissinger's preoccupation with bigger fish to fry. I hope that it is only that, and that in the next four years Dr. Kissinger will take time out to rethink policy on Southern Africa.⁹ If this does not occur, there is no telling how loud the clamor may grow. At least some people in this country simply will not remain silent while an insensitive President with casual callousness inadvertently or intentionally heads this country back down another of those famous slippery slopes towards involvement on the wrong side of another series of wars of national liberation.

⁹ On March 29, 1973, Rep. Donald Fraser personally questioned Dr. Kissinger on the Byrd Amendment. According to Fraser's office, Kissinger replied that he had never "focussed" on it but that he would send Congress a letter on it. As of early July 1973, the letter had not been received on Capitol Hill. On July 28 Sen. Gale McGee personally saw Kissinger on the Byrd Amendment. Subsequently there were some indications Kissinger was involving himself personally in the issue. During his confirmation hearing in September, Kissinger in response to questions posed by Sen. McGee and Sen. Jacob Javits said, "The administration favors the repeal of the Byrd Amendment."

APPENDIX 26

TABLE OF EXPORT LICENSE APPLICATIONS REJECTED FOR MOZAMBIQUE AND SOUTH AFRICA (1965-72) AS SUBMITTED BY THE DEPARTMENT OF COMMERCE

EXPORT LICENSE APPLICATIONS REJECTED FOR MOZAMBIQUE AND SOUTH AFRICA,
1965-72

<i>1965</i>	
Republic of South Africa :	
Gun drills-----	\$3, 599
Shotguns-----	747
Total-----	<u>4, 346</u>

<i>1966</i>	
Republic of South Africa :	
Shotguns-----	298
Shotguns-----	199
Shotguns-----	183
Electrical relays-----	40, 000
Aircraft parts and accessories-----	75, 000
Airborne communications equipment-----	136, 906
Airborne communications equipment-----	28, 688
Airborne communications equipment-----	8, 599
Communications equipment-----	1, 537
Communications equipment-----	50, 000
Parts for military shotguns-----	109
Shotgun shells-----	10, 000
Parts for aircraft engines and ignition systems-----	35, 807
Airborne communications equipment and parts-----	11, 730
Airborne communications equipment and parts-----	12, 269
Flight instruments and parts for aircraft-----	468
Flight instruments and parts for aircraft-----	1, 238
Ground transceivers and parts-----	37, 281
Airborne transmitters—receivers-----	136, 906
Parts and accessories for aircraft-----	75, 000
Airborne transmitters—receivers-----	82, 707
Nonmilitary aircraft-----	1, 500, 000
Total-----	<u>2, 244, 925</u>

Mozambique : Nonmilitary aircraft and spare parts-----	265, 000
Total-----	<u>265, 000</u>

<i>1967</i>	
Republic of South Africa :	
Shotgun choke devices-----	14, 018
Land-type radio transmitter—receivers-----	3, 198
Pneumatic tires and innertubes-----	1, 334
Aircraft engines and parts-----	450, 000
Airborne communications antenna-----	44, 400
Aircraft engine parts-----	65, 918
Propeller spares-----	295
Aircraft-type ball and roller bearings-----	1, 327
Airborne transmitter—receivers-----	18, 850
Total-----	<u>599, 340</u>

1968

Republic of South Africa :

Parts and accessories for hand-loading ammunitions machines---	\$123
Ammunition loading machines with parts and accessories-----	275
Total -----	398

1969

Republic of South Africa :

Antennae for airborne communications-----	30, 500
Chronograph systems-----	144
Nonmilitary shotguns-----	790
Total -----	31, 434

1970

Republic of South Africa :

Cathode ray oscilloscopes and accessories-----	16, 576
Shotguns -----	284
Total -----	16, 860

1971

Republic of South Africa :

Nonmilitary shotguns-----	2, 425
Airborne transmitter/transceiver system-----	708, 010
Nonmilitary helicopters with parts and accessories-----	2, 000, 000
Total -----	2, 710, 435

1972

Republic of South Africa :

Nonmilitary helicopters, parts, and accessories-----	7, 000, 000
Shotguns -----	363
Accessories for assembling shotgun shells-----	86, 860
Total -----	7, 087, 223

There were no export license applications rejected for Angola and Portugal during the period 1965-72.

APPENDIX 27

COVERING LETTER FROM RAUER E. MEYER, DEPARTMENT OF COMMERCE
AND SPECIAL CONDENSED CONGRESSIONAL REPORT ON EXPORT LICENSING
TO PORTUGAL AND RELATED COUNTRIES (EXPORT LICENSE APPROVALS)
TOGETHER WITH THREE SAMPLE PAGES FROM THE 396-PAGE
PRINTOUT ORIGINALLY SUBMITTED

U.S. DEPARTMENT OF COMMERCE,
DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
Washington, D.C., September 7, 1973.

Mrs. JOSEPHINE WEBER,
Rayburn House Office Building,
Washington, D.C.

DEAR MRS. WEBER: In accordance with your request, there is appended a computer printout, 16 pages in all, summarizing Commerce's export licensing to Portugal, Angola, Mozambique, Portuguese West Africa and the Republic of South Africa based on the available computer records from 1965 to April 6, 1973.

This material is in considerably more condensed form than the raw material constituting the print-out (369 pages) given to you earlier this year. You will note that it is most difficult to make a one-for-one concordance between the two print-outs. In achieving the degree of compression desired by the Subcommittee, it was necessary for our staff to make many judgments, some purely technical, some near-arbitrary, as to which general groupings the commodities were to be assigned. It was also necessary to program the computer for a completely different type of operation from that utilized in the earlier print-out, and it is possible that a few discrepancies may crop up. Notwithstanding, in the time available to us, we believe we have come up with a tabulation that will be useful to you, particularly in connection with the small tables supplied in the text sent with my letter of June 27.

Sincerely,

RAUER H. MEYER,
Director, Office of Export Control,
Bureau of East-West Trade.

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES										PAGE 00002
PORTUGAL										
COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS									
1965	1966	1967	1968	1969	1970	1971	1972	1973		
QUARTZ CRYSTALS										
1	11	2	6	3						
STEEL & ALLOY SCRAP & SHAPES										
1							340			
NICKEL & ALLOY, SCRAP & SHAPES										
5	4			11	2	4				
NON-FERROUS METAL, SHAPES & MFGS.										
1				7	7	2	2			
WELDING ELECTRODES AND WIRES										
3										
NON-ELECTRICAL MACHINERY										
32	324	267		549	411	672		750		
AIRCRAFT ENGINES, PARTS & ACCESSORIES										
88	5,222	2,573	2,465	1,561	2,455	3,443		689		
NON-MILITARY TRACTORS & CONSTR. EQPT.										
317	1,722	422	747	834	598	2				
ELECTRIC COMPUTERS, BILLING MACHINES, PARTS & ACCESSORIES										
119	139	522		5,020	771	5,052	3,846	1,111		
METAL CUTTING MACHINES										
PUMPS & COMPRESSORS										
1		12			5		1			
BALL & ROLLER BEARINGS										
11	52			1						
ELECTRICAL EQUIPMENT										
13	308	297	617	293	6	3	4	3		

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES

PAGE 00003

PORTUGAL

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS									
	1965	1966	1967	1968	1969	1970	1971	1972	1973	
COMMUNICATION WIRE & CABLE										
6	66	82	1,263	587	205	143	8	4		
TELEGRAPH EQPT.										
1				6			7			
TELECOMMUNICATIONS EQPT., AIR, GROUND & MARINE										
28	971	639	853	786	1,900		429	1,240	80	
ELECTRO-MEDICAL & X-RAY APPARATUS										
6			4							
ELECTRON TUBES & SEMICONDUCTORS DEVICES										
84	60	2,493	284	370	477		4,724	9,123	9	
AIRCRAFT IGNITION SYSTEMS										
21	69			2						
ELECTRONIC MEASURING & TESTING EQPT.										
20	84	456	1,097	270	325		775	226	4	
ELECTRIC FURNACES										
162		6	3	3						
NONMILITARY TRUCKS, CONSTR. EQPT.										
113	1,109	431	355	275	456			5		
CIVIL AIRCRAFT AND HELICOPTERS										
6,500	24,040	43	25,926	7,829	86,273		44,672	1,607	1,058	
CIVIL AIRCRAFT PARTS & ACCESSORIES										
204	3,294	41,502	2,836	1,765	1,689		1,545	321	94	
FLIGHT INSTRUMENTS										
174	545	7		1	7		4			
NONELECTRIC MEASURING, CHECKING EQPT										
22		85	86	52	34				17	

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES

PORTUGAL

PAGE 00004

COMMODITY DESCRIPTION (VALUES IN THOUSANDS OF DOLLARS)

	1965	1966	1967	1968	1969	1970	1971	1972	1973
FILM & PHOTO CHEMICALS							14	104	36
VIDEO & INSTRUMENTATION RECORDERS									
	7		131	46	91	111	136	71	23
FLUOROCARBON MFGS.									
	1		5	15				2	
LIQUEFIED AND COMPRESSED GAS CONTAINERS									
TOTALS									
	7,630 *	38,801 *	50,133 *	39,636 *	21,208 *	97,270 *	62,887 *	17,675 *	3,256 *

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
ANGOLA

PAGE 00005

COMMODITY DESCRIPTION	(VALUES IN THOUSANDS OF DOLLARS)									
1965	1966	1967	1968	1969	1970	1971	1972	1973		
COPPER & ALLOY SCRAP AND SHAPES										
3	10	1	69	6	1					
OILS, LUBES, GREASES										
28	9	12	7	12	11	26				
MYLAR FILM & OTHER SYNTHETIC RESIN ITEMS										
				4	8					
GLASS TEXTILES										
				6	9					
ROCK DRILL BITS & CORES										
7	50	648	684	319	513	2,250				
GRAPHITE SHAPES										
				6	12					
QUARTZ CRYSTALS										
3	1	3	1							
NICKEL & ALLOY, SCRAP & SHAPES										
1	3	5	4	9	6					
WELDING ELECTRODES AND WIRES										
2	10	4	2	1	2	1				
NON-ELECTRICAL MACHINERY										
				17	26	482	300			
AIRCRAFT ENGINES, PARTS & ACCESSORIES										
110	54	90	43	72	36	3				
NON-MILITARY TRACTORS & CONSTR. ECPT.										
820	6,992	6,412	10,189	8,002	9,822	1,733				
ELECTRIC COMPUTERS, BILLING MACHINES, PARTS & ACCESSORIES										
			116	43	190	22				

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
ANGOLA

PAGE 00006

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS)								
1965	1966	1967	1968	1969	1970	1971	1972	1973	
CRYOGENIC COOLING EQPT.									
		8				1			
PUMPS & COMPRESSORS									
	85	150	245	59		540			
BALL & ROLLER BEARINGS									
	1	1							
VALVES, GASKETS									
				18	33	78			
COMMUNICATION WIRE & CABLE									
	1	8	66	10	16	28	8		
TELECOMMUNICATIONS EQPT., AIR, GROUND & MARINE									
	26	110	22	184	12	94	12	1	
ELECTRON TUBES & SEMICONDUCTORS DEVICES									
	1	2		1	1	7			
ELECTRONIC MEASURING & TESTING EQPT.									
	43	104	25	39	67	72	5		
NEUTRON GENERATORS & ACCELERATORS									
						16	13		
NONMILITARY TRUCKS, CONSTR. EQPT.									
75	2,352	585	721	87	149	27			
CIVIL AIRCRAFT AND HELICOPTERS									
8	253	314	617	400	1,218	424	198	370	
CIVIL AIRCRAFT PARTS & ACCESSORIES									
7	366	208	222	202	238	348	225		
FLIGHT INSTRUMENTS									
			20	7		1			

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES

ANGOLA

PAGE 00007

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS						
	1965	1966	1967	1968	1969	1970	1971
NONELECTRIC MEASURING, CHECKING EQPT							
			69	21	1	3	
VIDEO & INSTRUMENTATION RECORDERS							
				41			121
							7
TOTALS							
912 *	10,282 *	8,102 *	13,066 *	9,836 *	12,065 *	4,746 *	3,059 *
							393 *

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
PORTUGUESE WEST AFRICA

PAGE 00008

COMMODITY DESCRIPTION VALUES IN THOUSANDS OF DOLLARS

1973

1972

1971

1970

1969

1968

1967

1966

AIRCRAFT TUBES & TIRES

2

AIRCRAFT ENGINES, PARTS & ACCESSORIES

21

TELECOMMUNICATIONS EQPT., AIR, GROUND & MARINE

57

311

1

ELECTRONIC MEASURING & TESTING EQPT.

10

NONELECTRIC MEASURING, CHECKING EQPT

1

TOTALS

*

*

*

*

28 *

21 *

322 *

57 *

*

[illegible]

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
MOZAMBIQUE

PAGE 00010

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS									
1965	1966	1967	1968	1969	1970	1971	1972	1973		
NON-ELECTRICAL MACHINERY										
47				100	15	150				
AIRCRAFT ENGINES, PARTS & ACCESSORIES										
25	72	38	40	1,538	275	644	100			
NON-MILITARY TRACTORS & CONSTR. EQPT.										
31	1,342	838	1,739	2,235	2,844	700				
ELECTRIC COMPUTERS, BILLING MACHINES, PARTS & ACCESSORIES										
					29	45	71			
CRYOGENIC COOLING EQPT.										
				2	5					
PUMPS & COMPRESSORS										
		25			2	75				
VALVES, GASKETS										
1										
ELECTRICAL EQUIPMENT										
1	2						2			
COMMUNICATION WIRE & CABLE										
8	8			6	1	2	1			
TELEGRAPH EQPT.										
TELECOMMUNICATIONS EQPT., AIR, GROUND & MARINE										
37	11	7		524	9	104	53			
ELECTRO-MEDICAL & X-RAY APPARATUS										
										37
ELECTRON TUBES & SEMICONDUCTORS DEVICES										
17	22	4		19	16	14	5	2		

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES

PAGE 00011

MOZAMBIQUE

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS									
1965	1966	1967	1968	1969	1970	1971	1972	1973		
AIRCRAFT IGNITION SYSTEMS										
28	4									
ELECTRONIC MEASURING & TESTING EQPT.										
1		1	5	45	27	20	3			
NONMILITARY TRUCKS, CONSTR. EQPT.										
154		122	150	173	4	103				
CIVIL AIRCRAFT AND HELICOPTERS										
			189	7,474	568	5,658	3,255	452		
CIVIL AIRCRAFT PARTS & ACCESSORIES										
125	73	49	99	1,140	60	299	170			
FLIGHT INSTRUMENTS										
32	5									
NONELECTRIC MEASURING, CHECKING EQPT										
11	5	1		4	1					
VIDEO & INSTRUMENTATION RECORDERS										
					4	8	1			
TOTALS										
275 *	1,859 *	1,125 *	2,252 *	13,457 *	4,316 *	7,965 *	3,671 *	494 *		

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
REPUBLIC OF SOUTH AFRICA

PAGE 00012

COMMODITY DESCRIPTION (VALUES IN THOUSANDS OF DOLLARS)

	1965	1966	1967	1968	1969	1970	1971	1972	1973
HIDES & SKINS									
		313							
SYNTHETIC RUBBER									
11	45	51	62	103	151	62	46	20	
SYNTHETIC DIAMONDS & POWDER									
1	4								
BORON MINERALS									
		5							
MOLYBDENUM ORES & CONCENTRATES									
39	71	36	92	95					
COPPER & ALLOY SCRAP AND SHAPES									
31	415	212	343	278	296	147			
OILS, LUBES, GREASES									
317	1,589	1,675	1,775	2,105	2,332	1,441	259	1	
MISCELLANEOUS ORGANIC CHEMICALS									
					1	38	16		
HELIUM									
						7	1	19	
CHEMICAL ELEMENTS & INORGANIC COMPOUNDS									
129	276	172	375	231	365	477	235	17	
POLYIMID FINISHES									
				4	7				
PHARMACEUTICAL, MEDICAL, DENTAL ITEMS									
				11					
INDUSTRIAL & SPORTING CARTRIDGES									
	2	3	5						

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
REPUBLIC OF SOUTH AFRICA

PAGE 00013

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS)								
1965	1966	1967	1968	1969	1970	1971	1972	1973	
MYLAR FILM & OTHER SYNTHETIC RESIN ITEMS									
18	142	106	117	188	270	428	501	625	
CHEMICAL MIXTURES & PREPARATIONS, INCLUDING PESTICIDES									
				1	1	2	27	9	
AIRCRAFT TUBES & TIRES									
1	10	7	24	26	21	42			
GLASS TEXTILES									
9	18	32	80	89	183	51	18		
ROCK DRILL BITS & CORES									
594		1,011	2,217	3,789	5,065	6,271	957		
GRAPHITE SHAPES									
66	39	52	193	256	192	30	18		
NON-CLAY REFRACTORIES									
2		1	180	110	134	34	12	21	
GLASS PRODUCTS									
							38		
QUARTZ CRYSTALS									
2	66	112	164	111	3				
STEEL & ALLOY SCRAP & SHAPES									
149	434	281	175	83	74		41		
NICKEL & ALLOY, SCRAP & SHAPES									
5	69	113	40,165	241	331	105			
NON-FERROUS METAL, SHAPES & MFGS.									
	80	3	52	37	6	44	285		
WELDING ELECTRODES AND WIRES									
21	128	75	71	72	43	9			

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
REPUBLIC OF SOUTH AFRICA

PAGE 00014

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS									
	1965	1966	1967	1968	1969	1970	1971	1972	1973	
NON-ELECTRICAL MACHINERY										
72	659	204	123	97	218	45	66	5		
AIRCRAFT ENGINES, PARTS & ACCESSORIES										
328	1,946	1,574	4,412	3,768	4,246	12,785	3,409	3,437		
NON-MILITARY TRACTORS & CONSTR. EQPT.										
1,244	10,986	22,638	27,697	25,551	49,054	3,736				
ELECTRIC COMPUTERS, BILLING MACHINES, PARTS & ACCESSORIES										
418	4,064	5,809	4,589	10,287	22,057	14,944	14,543	14,618		
METAL CUTTING MACHINES										
108	565	61	163	11	328	8	154			
ROLLING MILLS & PARTS										
455	3,803	2,062	486	16					4	
CRYOGENIC COOLING EQPT.										
10	196	118	71	211	279	122	148			
PUMPS & COMPRESSORS										
19	1,781	96	67	154	342	194	5			
BALL & ROLLER BEARINGS										
1	403	12	30	27	56	56				
VALVES, GASKETS										
29			49	6	137	62	4			
ELECTRICAL EQUIPMENT										
19	71	848	236	235	198	62	25	2		
COMMUNICATION WIRE & CABLE										
15	228	204	409	359	552	230	210	22		
TELEGRAPH EQPT.										
7		12		4						

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
REPUBLIC OF SOUTH AFRICA

PAGE 00015

COMMODITY DESCRIPTION	VALUES IN THOUSANDS OF DOLLARS						
	1965	1966	1967	1968	1969	1970	1971
TELECOMMUNICATIONS ECPT., AIR, GROUND & MARINE							
90	909	620	3,512	1,174	2,049	1,542	2,050
ELECTRO-MEDICAL & X-RAY APPARATUS							
3					18		
ELECTRON TUBES & SEMICONDUCTORS DEVICES							
100	2,159	2,036	612	656	642	508	554
AIRCRAFT IGNITION SYSTEMS							
11	76	115	217	118	176	103	
ELECTRONIC MEASURING & TESTING ECPT.							
282	2,047	1,806	877	675	3,030	1,255	490
NEUTRON GENERATORS & ACCELERATORS							
300	37	10	578	1	198		
ELECTRIC FURNACES							
25	140	142	47	82	83	2	2
NONMILITARY TRUCKS, CONSTR. ECPT.							
502	8,602	4,662	2,713	3,803	3,470	2,808	
CIVIL AIRCRAFT AND HELICOPTERS							
5,260	19,549	10,804	34,811	44,473	35,584	77,310	55,509
CIVIL AIRCRAFT PARTS & ACCESSORIES							
2,177	1,322	2,124	2,416	2,594	5,286	4,184	1,670
FLIGHT INSTRUMENTS							
5	156	138	189	197	165	70	163
CAMERAS AND OPTICAL ECPT.							
39	19,301	13	1	2	1		
SURGICAL/MEDICAL APPARATUS							
2	5	4	2			1	

SPECIAL CONGRESSIONAL REPORT ON EXPORT LICENSING TO PORTUGAL AND RELATED COUNTRIES
REPUBLIC OF SOUTH AFRICA

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(VALUES IN THOUSANDS OF DOLLARS)

COMMODITY DESCRIPTION	1966	1967	1968	1969	1970	1971	1972	1973
1965								
NON-ELECTRIC MEASURING, CHECKING EQPT								
30	165	498	256	694	319	43		
FILM & PHOTO CHEMICALS								
						34	235	4
VIDEO & INSTRUMENTATION RECORDERS								
9	289	424	1,666	1,392	1,817	1,954	1,410	134
FLUOROCARBON MFGS.								
1	3	5	2	8	4	7		
MISCELLANEOUS MFGS.								
		50	63	12		250		
LIQUIFIED AND COMPRESSED GAS CONTAINERS								
5	5	30	18	32	11	44	46	
TOTALS								
11,989 *	64,507 *	80,640 *	132,273 *	104,961 *	140,592 *	131,548 *	83,346 *	41,448 *

THREE PAGES FROM 396-PAGE COMPUTER PRINTOUT SUBMITTED BY THE DEPARTMENT OF COMMERCE
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SPECIAL CONGRESSIONAL REPORT ON PORTUGAL AND RELATED COUNTRIES - 1965 TO 1973

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COUNTRY	DESC	VALUE	YR
MOZAMBIQUE P E A	AIR FLIGHT INSTRUMENT PARTS	2,051	64
		2,051	
PORTUGAL	SILICON RECTIFIERS & DIODES	2,198	64
		2,198	
		4,249	
ANGOLA	WELDING ELECTRODES STEEL	1,148	65
ANGOLA	WELDING ELECTRODES NICKEL	1,804	65
ANGOLA	NON MIL WHEEL TRACTOR	27,000	65
ANGOLA	TOURNAPIU EQUIPPED	50,000	65
ANGOLA	WHEEL TRACTORS	34,000	65
ANGOLA	NONMILITARY CONTRACTORS OFF HIGHWAY	114,000	65
ANGOLA	NON MILITARY TYPE TRACKLAYING TRACTO	60	65
ANGOLA	TRACTORS	25,000	65
ANGOLA	PTS & ACCES FOR TRACTORS & SCRAPERS	210,000	65
ANGOLA	ROAD VEHICLE PTS AND ACCES	180,000	65
ANGOLA	PETRO EQUIP	40,000	65
ANGOLA	PETRO EQUIP	20,000	65
ANGOLA	OIL & GAS FIELD EQUIPMENT	47,000	65
ANGOLA	INTEGRAL TRACTOR SHOVEL LOADERS	75,000	65
ANGOLA	OTHER COAXIAL CABLE	243	65
ANGOLA	QUARTZ CRYSTALS	303	65
ANGOLA	NONMILITARY VEHICLES	139	65
ANGOLA	PTS FOR WHEEL TRACTOR	1,443,000	65
ANGOLA	NONMILITARY AIRCRAFT	21,400	65
ANGOLA	AIRCRAFT INSTR & PTS & ACCESS	8,000	65
ANGOLA	BLADES FOR AIRCRAFT	300,000	65
ANGOLA	PTS & ACCES FOR NONMILI AIRCRAFT	2,484	65
		5,093	65
		2,555,674	
GUINEA	NONMILITARY VEHICLE PTS	1,360	65
		1,360	
MOZAMBIQUE	LUBRICATING OIL	11,000	65
MOZAMBIQUE	LUB GREASE SYNTHETIC	11,000	65
MOZAMBIQUE	LUB GREASE	32	65
MOZAMBIQUE	LUBRICATING GREASE	1,086	65
MOZAMBIQUE	AIRCRAFT VEHICLE PTS	31,000	65
MOZAMBIQUE	AIRCRAFT SALAM & EQUIPMENT	4,076	65
MOZAMBIQUE	AIRCRAFT ELEC WIRING & IGNITION EQ	3,350	65
MOZAMBIQUE	AIRCRAFT PTC ACCESS	4,253	65
MOZAMBIQUE	AIRCRAFT PARTS & ACCESS	17,043	65
MOZAMBIQUE	ACCES FOR GYRO MAGNETIC COMPASSES	100,000	65
MOZAMBIQUE	PTS FOR FLUID STREAM ANALYZER	11,731	65
		191,626	
PORTUGAL	LUBRICATING GREASE	300	65
PORTUGAL	LUB GREASE	123	65

COUNTRY	DESC	VALUE	YR
PORTUGAL	AIRBORNE RADAR EQUIP	473	69
PORTUGAL	RADIO RELAY EQUIP	3,298	69
PORTUGAL	PTS FOR OUTPUT CARRIER	1,000	69
PORTUGAL	AIRBORNE COMMUNICATION EQUIP	835	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	73,120	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	500	69
PORTUGAL	GROUND & MARINE EQUIP & PTS ACCES	6,185	69
PORTUGAL	PTS FOR EQUIP	7,639	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	164,392	69
PORTUGAL	MODEL 530 FILTER	585	69
PORTUGAL	AIRBORNE COMMUNICATION EQUIP	7,877	69
PORTUGAL	RADIO TRANSCIEVERS	218,683	69
PORTUGAL	AIRBORNE TRANSCIEVERS	30,000	69
PORTUGAL	RADIO TRANSCIEVERS & ACCESS	53,012	69
PORTUGAL	EXCITER	7,500	69
PORTUGAL	AIRBORNE COMMUNICATION EQUIP	1,000	69
PORTUGAL	AIRBORNE RADAR EQUIP	453	69
PORTUGAL	PRESSURIZED WAVEGUIDE	4,380	69
PORTUGAL	PRESSURIZED WAVEGUIDES & COMPONENTS	296	69
PORTUGAL	AIRBORNE COMMUNICATIONS	1,563	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	18,641	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	3,459	69
PORTUGAL	PTS FOR GROUND WARE	416	69
PORTUGAL	PTS FOR RADAR CLOUDS	300	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	2,790	69
PORTUGAL	MODULATOR	43,032	69
PORTUGAL	TWC TRANSMITTER	43,872	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	9,080	69
PORTUGAL	RADIO TRANSCIEVER	2,254	69
PORTUGAL	OTHER TELECOMMUNICATIONS EQUIP	2,900	69
PORTUGAL	AIRBORNE COMMUNICATIONS EQUIP	628,008	69
PORTUGAL	THRODOLITES SERVO	12,545	69
PORTUGAL	SIMULADOR	1,675	69
PORTUGAL	AIRBORNE COMM EQUIP & NAVIGATION	46,201	69
PORTUGAL	AIRBORNE COMMUNICATION EQUIP	2,014	69
PORTUGAL	AIRBORNE RADAR EQUIP	3,702	69
PORTUGAL	AIRBORNE COMMUNICATION EQUIP	1,654	69
PORTUGAL	AIRBORNE COMMUNICATION EQUIP	2,502	69
PORTUGAL	PTS FOR COMMUNICATIONS EQUIP	16,541	69
PORTUGAL	RADIO TRANSMITTER	8,223	69
PORTUGAL	PTS FOR AIRBORNE EQUIP	448	69
PORTUGAL	PTS FOR TELECOMMUNICATIONS EQUIP	2,235	69
PORTUGAL	AIRBORNE COMMUNICATION EQUIP	226,975	69
PORTUGAL	OTHER DIODES & OTHER TRANSDISTORS	192	69
PORTUGAL	SILICON TRANSISTORS	92	69
PORTUGAL	INT CIRCUITS	227	69
PORTUGAL	TRANSISTORS	190	69
PORTUGAL	TUBES IRON TUBES	338	69
PORTUGAL	ELECTRON TUBES	300	69
PORTUGAL	ELECTRON TUBES	2,142	69
PORTUGAL	OTHER ELECTRON TUBES	754	69
PORTUGAL	RECEIVING TYPE TUBES		

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SPECIAL CONGRESSIONAL REPORT ON PORTUGAL AND RELATED COUNTRIES - 1965 TO 1973

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COUNTRY	DESC	VALUE	YR
SOUTH AFRICA	SEMICONDUCTOR DIODES	1,620	73
SOUTH AFRICA	TRANSISTORS TYPE	186	73
SOUTH AFRICA	INTEGRATED CIRCUITS	2,808	73
SOUTH AFRICA	CRYSTAL FILTERS	1,525	73
SOUTH AFRICA	QUARTZ CRYSTALS	266	73
SOUTH AFRICA	QUARTZ CRYSTALS	164	73
SOUTH AFRICA	QUARTZ CRYSTALS	558	73
SOUTH AFRICA	QUARTZ CRYSTALS	164	73
SOUTH AFRICA	CUSHMAN MODEL	4,535	73
SOUTH AFRICA	TESTING OF COMMUNICATIONS EQUIP	4,508	73
SOUTH AFRICA	INSTR	710	73
SOUTH AFRICA	CONVERTERS	138	73
SOUTH AFRICA	INTEGRATED FLIGHT INSTR	93,758	73
SOUTH AFRICA	-ATE GY-OS	35,100	73
SOUTH AFRICA	TANTALUM CAPACITOR	955	73
SOUTH AFRICA	PTS & ACC FOR PROPELLERS	70,000	73
SOUTH AFRICA	COAXIAL CABLE AMERGRAPH	2,835	73
SOUTH AFRICA	PTS & ACC FOR NONMILITARY AIRCRAFT	30,000	73
SOUTH AFRICA	OTHER PTS & ACCESS	800,000	73
SOUTH AFRICA	PTS & ACCESS	5,000,000	73
SOUTH AFRICA	NONMILITARY HELICOPTERS	10,820,700	73
SOUTH AFRICA	NONMILITARY AIRCRAFT & HELICOPTERS	29,000	73
SOUTH AFRICA	PARTS & ACCESS	40,000	73
SOUTH AFRICA	PARTS & ACCESS	40,000	73
SOUTH AFRICA	AIRCRAFT NONMILITARY	116,000	73
SOUTH AFRICA	NONMILITARY AIRCRAFT	28,000	73
SOUTH AFRICA	AIRCRAFT NONMILITARY	78,000	73
SOUTH AFRICA	AIRCRAFT NONMILITARY	207,500	73
SOUTH AFRICA	PARTS & ACCESS	12,296	73
SOUTH AFRICA	AIRCRAFT	1,000,000	73
SOUTH AFRICA	AIRCRAFT	143,000	73
SOUTH AFRICA	AIRCRAFT PERSONAL NONMILITARY	72,000	73
SOUTH AFRICA	PTS P ACC FOR CIVIL HELICOPTERS	180,000	73
SOUTH AFRICA	CIVIL AIRCRAFT	54,500	73
SOUTH AFRICA	OTHER PTS & ACCESSORIES	20,000	73
SOUTH AFRICA	PTS FOR FLIGHT INSTR SYSTEMS	217	73
SOUTH AFRICA	PTS FOR FLIGHT INSTR SYSTEMS	2,970	73
SOUTH AFRICA	PTS & ACCESS	11,222	73
SOUTH AFRICA	STILL PICTURE FILM	490	73
SOUTH AFRICA	STILL PICTURE FILM	6	73
SOUTH AFRICA	STILL PICTURE FILM	26	73
SOUTH AFRICA	STILL PICTURE FILM	209	73
SOUTH AFRICA	PIC FILM	16	73
SOUTH AFRICA	PIC FILM	7	73
SOUTH AFRICA	STILL PICTURE FILM	26	73
SOUTH AFRICA	FILM	6	73
		20,679,342	
		24,365,250	
		1,173,379,001	

20.437 RECOROS TOEALED

FIN

APPENDIX 28

[From the Observer, Aug. 12, 1973]

U.S. TRAINS LISBON'S PILOTS

(By Bruce Oudes)

WASHINGTON.—The Pentagon has disclosed that for the past three years some Portuguese Air Force officers, mostly fighter pilots, have received training at United States bases in Germany. Some of them have been sent to fight in Portugal's colonial wars.

In addition to the 79 trained in Germany, 25 others have been trained in the U.S. The courses, apparently, last only a few weeks each. In one, for instance Portuguese fighter pilots have learnt U.S. techniques in flying combat support missions.

In the seven years ending in mid-1970, the U.S. provided some training, all of it in America, for a total of only 27 Portuguese Air Force officers. Officials offer no firm explanation as to who authorised the recent increase.

The Pentagon disclosed its European training programme for Portugal under prodding from Representative Charles Diggs, chairman of the House Africa Sub-committee. Defence officials, however, deny that the training is part of a covert effort to step-up U.S. support for Portugal in Africa. They say that to disclose how many of the Portuguese pilots have subsequently served in Africa would prove embarrassing to the maintenance of normal relations with Lisbon.

Under questioning, U.S. officials also have disclosed that Washington has begun to subsidise the sale of helicopters and light aircraft for use in Mozambique. Last year the Export-Import Bank furnished loans to assist in the sale of 12 four-seat Bell helicopters and six light planes manufactured by Rockwell International.

BOOST FOR EXPORTS

The aircraft, valued at about \$3,300,000, were among the first sales to Portugal under a new programme designed to boost the exports of small business.

This summer the Export-Import Bank announced that it is also providing loans to support the sale of 22 General Electric locomotives to Mozambique, as well as equipment to enable General Tyre to establish a tyre factory in Lourenço Marques.

Although the Johnson Administration permitted small Export-Import Bank loans for Mozambique and Angola, it made a policy decision not to permit the bank to back U.S. industry in a bid for participation in the Cabora Bassa project.

New guidelines for relations with Portugal were accepted by President Nixon in 1970. Available evidence suggests that, under pressure from the Pentagon, which sought a new lease on the U.S. base in the Azores, and from the domestic aircraft industry, Mr. Nixon approved a warming of U.S. relations with Portugal in areas that could plausibly be described as not being directly involved with the Portuguese military effort in Africa.

The pilot training—provided on a grant basis—and the loans supporting sales of transport equipment underline some fundamental differences in the U.S. Government's embargo rules for southern Africa. The U.S. prohibits Export-Import Bank loans to South Africa, as well as the training of military personnel. The Export-Import Bank, however, does guarantee loans by private American sources to South African importers.

The State Department has revealed that last year America rejected an offer by the South African military and police to purchase a total of \$9 million in non-military helicopters manufactured in the U.S. These, presumably, were similar to the helicopters which not only received a U.S. license for export to Mozambique, but also a U.S. Government subsidy as well.

The Johnson Administration halted all calls by U.S. Navy vessels at South African ports. However, the Pentagon disclosed recently to Congressman Diggs

that U.S. destroyers have made 30 refueling stops at both Lourenço Marques and Luanda in the past six years.

MAJOR REVIEW OF POLICY

The 26-month lease on the Azores base, which the U.S. obtained in 1971 just before President Nixon's visit to the islands, expires next February. Renewal discussions are expected this autumn. If African guerrilla statements prove correct, this should be about the same time as the PAIGC (African Party for the Independence of Guinea and Cape Verde) proclaims the independence of Guinea-Bissau under African rule.

Mr. Helmut Sonnenfeldt, Dr. Henry Kissinger's chief aide on European matters, rejected the efforts of intermediaries seeking to arrange a meeting between him and Amilcar Cabral last autumn during the late PAIGC leader's last visit to the U.S.

All signs seem to point to a major review of U.S. policy toward Portugal this autumn. If the outcome is any different from the one at the outset of Mr. Nixon's tenure, many observers here believe it will be in substantial measure due to the efforts of Mr. David Newsom, Assistant Secretary of State for African Affairs.

Subordinates say that in recent months, Mr. Newsom has become an especially determined opponent of renewal of the Azores lease, arguing that Lisbon would—as it did during most of the 1960s—allow the U.S. to use the Azores on an ad hoc basis anyway.

APPENDIX 29

[From the Observer, Aug. 26, 1973]

UNITED STATES ADMITS AUTHORIZING SALE OF DC-8 TO RHODESIAN

(By Bruce Oudes)

American authorities did approve the export of a DC-8 aircraft to Rhodesian aviation entrepreneur John Malloch, Washington sources have confirmed. Malloch is reported to be using the plane to carry beef and other Rhodesian commodities to Gabon and possibly to other French-speaking African countries.

At the same time a report by the Carnegie Endowment for International Peace suggests American officials have become lax in their enforcement of Rhodesian sanctions as applied to U.S. companies in the travel industry. The study prepared by Anthony Lake, a former special assistant to Dr. Henry Kissinger, says a better system is needed for monitoring U.S. compliance with sanctions.

Avis, the car rental firm, denied charges in the Carnegie report that it might be violating the law. A spokesman said Avis launched a franchise operation in Salisbury and Bulawayo 18 months ago "with U.S. Government approval."

The DC-8 was sold by the National Aircraft Leasing Ltd. of Chicago to Malloch, the owner of Affretair, a new firm registered in Gabon, Malloch said he planned to use the plane for flights between Gabon and France, an official of NAL said.

The Chicago firm is a subsidiary of Flying Tiger Corporation, a major air cargo carrier that has been diversifying and expanding in recent years.

NAL officials insisted that the sale was conducted in good faith, but they refused to disclose how they came to do business with Malloch and the terms of the transaction.

The sales is of special significance since it was the first commercial jet acquired by a Rhodesian citizen since sanctions started. To some extent, at least, it served to spur Rhodesian Government attempts to acquire jets for itself, an effort rewarded this April with the arrival of three Boeing 720s on the Salisbury tarmac.

One Commerce Department official recalled that there was an exchange of messages between Washington and the American Embassy in Libreville before the export license was approved and that the U.S. Government was aware that Malloch was to be the buyer.

What appears to have happened is that Commerce, perhaps with assistance from the White House, was able to overcome the State Department's objections to the sale.

State Department sources confirmed that the Treasury and the Federal Aviation Administration had been asked to investigate the charges in the Carnegie study. State Department officials said privately that the study appeared to be quite accurate.

The core of the Carnegie report is that Pan American, TWA, and perhaps other American carriers—in its words—"help make the going great to Salisbury" by booking reservations on Air Rhodesia and conducting other business as usual with the airline, something BOAC refuses to do.

The study quotes an anonymous Pan American official as saying that it transferred \$200,000 to Rhodesia in 1972, an increase of almost 200 per cent over 1971.

A Pan Am spokesman initially denied that the company was transferring funds to Rhodesia, but later qualified the statement. He insisted, however, that Pan Am was not violating the law.

A spokesman for TWA said: "We feel we are abiding by the letter of the law." He added that the total amount exchanged with Air Rhodesia in 1972 was less than \$2,000.

The report mentioned Hertz as well as Avis. A Hertz spokesman, however, said he had no comment, but he did not dispute the report's allegations that both car rental firms make reservations in America for cars to be picked up in Rhodesia. Both firms have exported to Rhodesia their names, and the Carnegie report contends that these are "commodities" since Rhodesian licensees pay to be able to use them.

U.S. tourist companies and credit card firms such as American Express are accused of similar infractions.

APPENDIX 30

[Sunday Times (London) Aug. 26, 1973]

THIS IS TANGO ROMEO, RHODESIA'S CHEEKIEST SANCTION-BUSTER

(Special report by Paul Eddy)

The picture above shows Tango Romeo, a DC8 cargo jet which for the past five months has been operating the most audacious sanction-busting operation devised by Rhodesia. Twice, sometimes three times a week, Tango Romeo (registration TR LQR) flies 30 tons of Rhodesian beef from Salisbury to Athens. The meat is sold for foreign currency—which is vital to Rhodesia in her fight against sanctions imposed by the United Nations seven years ago.

The aircraft then flies to Holland and earns more foreign currency by carrying freight from Amsterdam to West Africa. Among the major firms who quite unwittingly are helping Rhodesia by providing cargo for Tango Romeo are British Leyland, Ford and Philips, the giant Dutch electrical firm.

The aircraft is operated by Affretair, which is registered as an airline based in Libreville, the capital of the former French colony Gabon. But a Sunday Times investigation has shown that this is only a "cover."

Tango Romeo begins each of its expeditions to Europe from Salisbury. It lands at Gabon only to refuel. And the prime quality beef it carries comes not from South Africa, as the plane's manifest claims, but from the government-owned Cold Storage Commission in Rhodesia.

Affretair is the brainchild of a former RAF pilot Jack Malloch who is a lifelong friend of Rhodesia's premier Ian Smith. Next month the airline plans to operate more sanction-busting flights—using one of the three Boeing 707's which were smuggled to Rhodesia last April.

When the United Nations imposed mandatory sanctions against Rhodesia seven years ago, Prime Minister Ian Smith—who had declared UDI in November, 1965—appealed to his countrymen to "show the Dunkirk spirit."

He said that sanctions would fail to bring the country to its knees and since then Rhodesia has shown remarkable ingenuity in proving his prophecy. But the many schemes that Rhodesia has devised to fight its economic war pale when compared to the audacious sanction-busting exploits of the aircraft Tango Romeo.

Affretair, the company which operates the DC8F is largely the brainchild of a former RAF Captain Jack Malloch.

Malloch and Smith are lifelong friends and during the Second World War they served together in the Rhodesia squadron of the RAF. Malloch is what is known in the aviation business as a "flying cowboy": somebody who, if the price is right, will fly virtually anywhere and carry almost anything—including, in Malloch's case, guns.

In 1968 during the Biafran war Malloch's charter airline, Rhodesia Air Services, worked for the Nigerian government and was contracted to collect a cargo of guns and £7 million in Nigerian banknotes from Lisbon, the Portuguese capital. Malloch changed the markings on his DC 7 from Rhodesian to Paraguayan but when the aircraft landed in Togo en route to Nigeria the cargo and Malloch were seized.

Captain Malloch spent six months in prison and the Nigerian government was forced to change the country's currency in case Togo handed over the £7 million to Biafra. After that escapade, Malloch decided to turn his attention to the less risky business of sanction-busting. When he returned to Salisbury after being released from prison, his airline changed its name to Air Trans Africa and, in the second week of October 1969, it began air-freighting Rhodesian beef from Salisbury to the small West African state of Gabon.

THE GABON CONNECTION

The former French colony which became independent 13 years ago this month provides ideal cover for a sanction-busting operation. Its president, Albert Bongo, has little interest in the radical Black African cause and no scruples about dealing with the Smith regime or, for that matter, South Africa.

For the benefit of the 10,000 white population and the Gabonese elite, the shops of the capital, Libreville, are filled with South African fruit and vegetables and since October 1969 the *boucheries* have sold prime Rhodesian beef. The meat is flown into Libreville from Salisbury twice weekly by a DC 6 belonging to Jack Malloch's Air Trans Africa.

The original Salisbury-Libreville connection was arranged by Malloch and another white Rhodesian, Harold Oxley, who before UDI was a senior civil servant in the Ministry of External Affairs. Since then the trade has continued uninterrupted, despite protests to Gabon from the UN Sanctions Committee.

But although the Libreville operation is good for Rhodesian morale, it is of limited value in practical terms. The Gabonese pay for their beef with French African francs; if the Smith regime is to survive the economic war being waged against it by the UN it has to get foreign currencies which are far more readily convertible.

Because of the world shortage of prime quality beef, there is no lack of customers for Rhodesian meat, but the problems of delivering it to the European markets are formidable.

In 1970 the Rhodesian cold storage commission began searching for ways to send regular beef cargoes to Europe. Air freight was the obvious solution but the national airline, Air Rhodesia, was unable to find anybody willing to sell a long-range aircraft and, in any event, it was recognised that no member of the United Nations—except Portugal—would give the landing rights to an aircraft flying in Rhodesia's colours.

Captain Malloch and his sanction-busting colleagues, who include at least one Frenchman, provided the answer by setting up a Gabonese company, *Compagnie Gabonaise d'Affrètements Aériens*—in short, Affretair—with headquarters on Boulevard de la Mer, Libreville.

The set-up is not impressive. The two-roomed office is shabby and someone has thrown a stone through the window, perhaps in frustration because the door is invariably locked and nobody answers the telephone. However, as a cover it has proved adequate.

When Affretair began looking for a suitable aircraft it experienced none of the difficulties that had dogged Air Rhodesia. On October 13—a Friday—last year it bought a six-year-old DC SF Model 55 "Jet Trader" from an American aviation finance company, Aerodyne International Incorporated of Chicago.

This version of the Jet Trader was first produced 11 years ago and is, in many ways, obsolete. It is, however, ideally suited to Affretair's sanction-busting. It can carry 39 tons of cargo 3,000 miles. With a lighter load it has a range of more than 4,000 miles and can fly at 600 m.p.h. The cargo hold is palletised and a full load of freight can be handled by six men in an hour.

By October 28 the DCS had been flown to Salisbury where airport staff unofficially named it "The Sanction Buster." Affretair could now afford to indulge in ironic humour and gave the plane a new livery which is remarkably similar to that used by Air Rhodesia.

Captain Malloch then set out to recruit four four-man crews capable of flying the jet. The "flying cowboys" he found include Rhodesians, Britons, Germans, French and Americans.

The only remaining task was to devise a route across Africa to Europe which, to preserve Affretair's covers as a Gabon airline, has to include a stop at Libreville. The route selected is direct to the point of bluntness (*see map*).

From Salisbury Tango Romeo flies directly across its hostile neighbor, Zambia. Zambian Air Traffic Control is told that the aircraft is being operated by Air Trans Africa, whose regular excursions to Gabon are accepted as a fact of life.

The aircraft avoids Zaire and the Congo by flying out over the Atlantic and then lands at Libreville where it is refueled. No cargo is unloaded. For the rest of its journey it operates as Affretair flight number DG 601.

The next sector of the route is potentially the most hazardous, for en route to Athens it crosses Libya, which is totally opposed to the Smith regime and dedicated to its downfall. Libya has an air force equipped with jet fighters that could easily intercept the DCS. But, so far, Affretair's "cover" has held. Since the beginning of this year Tango Romeo has spent about 60 hours in Libyan air space without incident.

THE GREEK CONNECTION

The largest customer for Affretair's Rhodesian beef is a wealthy Greek businessman, Stavros Tsonis. Since February this year he has bought up to 60 tons a week which represents a quarter of all meat imported into Greece.

As a one-time Salonika butcher who made his name and his fortune in a series of meat deals with Hungary between 1958 and 1965, he has an eye for a good spare rib—and a bargain. Mr. Tsonis pays Affretair \$US1,300 (£520) a ton. Legitimate importers of beef into Greece can get at least \$US1,500 (£600) a ton—and that is for their cheapest cuts.

When Tango Romeo lands at Athens, usually on Tuesdays and Fridays, four refrigerated trucks and half a dozen loaders, who arrive on motorcycles are waiting. Fresh meat begins to deteriorate 24 hours after slaughter and obviously Affretair's cargo cannot be left for long in an unrefrigerated plane where, with the heat of the Greek sun, it would begin to go off.

The meat is unloaded within an hour and after being cleared through customs is taken by the trucks, traveling in convoy to the Rouf market—which is a sort of combined Smithfield and Covent Garden, dealing in vegetables and meat—on the outskirts of Athens. The following day it is sold to wholesalers and retailers by Mr. Tsonis' company, Commercial, Industrial and Technical Imports.

Meanwhile, Tango Romeo is prepared for the next stage of its journey by the Greek national airline, Olympic Airways, which has a monopoly of the handling business at Athens.

It charges Affretair £420 per flight for its services, including a landing fee of £80. The bill is paid by the Affretair captain in cash.

If Affretair's illegal export drive to Greece continues at its present rate, Rhodesia will earn £1.6 million in vital foreign currency in a full year. But the airline has ambitions to expand the trade by introducing a third weekly flight, operated by a Boeing 707-720. If that plan succeeds the business will be worth well over £2 million a year.

Yesterday Olympic Airways said it had no idea that Affretair was flying in cargo from Rhodesia and that the aircraft's papers always stated that the plane originated from Libreville.

Mr. Tsonis says that the Rhodesian beef comes from South Africa.

THE DUTCH CONNECTION

U.N. sanctions have never succeeded in preventing foreign-made goods reaching Rhodesia through the numerous back doors. The problem has been to find the foreign currency to pay for the machinery, tools, cars, fertilisers, fabrics, wheat, chemicals and pharmaceuticals that she needs.

Tango Romeo is not, therefore, being used to carry large amounts of cargo from Rhodesia on her return journeys to Salisbury. Instead, the airline's job is to earn more foreign currency by carrying air freight bound for all parts of Africa, to Libreville.

Affretaire gets all the freight business it can handle by offering shippers cut-price rates. Tango Romeo collects most of its cargo from Schiphol Airport in Amsterdam. Schiphol is one of the most modern airports in the world and, as a further incentive to a young go-ahead airline like Affretair is, like all Dutch ports, "freer than free." Customs officials have few powers to carry out more than a routine inspection of goods in transit—unless there is a direct danger to national health.

Goods from Britain, Italy, France, Germany and Holland are collected to make up 30-ton cargoes by Affretair's shipping agents at Schiphol, Aerotrans. A typical load is made up of car spares, machine tools, footwear, imitation leather and domestic electric goods, bound for South Africa, Mozambique and Malawi. Affretair takes them only as far as Libreville.

Tango Romeo has been calling at Schiphol once or twice a week since the end of February this year. Officially Affretair's European base is Paris—both Aerotrans and the Dutch handling company, Aeroground, receive their instructions from France by telex—but Schiphol has become the centre of its activities.

The company has a permanent reservation at the Schiphol Hilton Hotel where the "slip" crews stay while they are waiting for their turn to fly Tango Romeo on a round trip.

One of the most regular visitors is Captain Malloch, who is in every sense a working director of Affretair. Last Tuesday night he was the pilot when the aircraft flew in from Athens. When we asked him if he had enjoyed a good flight he said he was not in a position to give us any information.

As far as we can establish, almost all of the goods shipped out of Schiphol by Affretair in the past five months have *not* gone to Rhodesia. But the airline has sometimes been tempted to do a little sanction-busting on its return journey to Salisbury. On one occasion a co-pilot shipped out a car he had bought from the duty-free showroom at the airport.

And in June this year a small consignment of hand tools made by a British firm was sent to Aerotrans, almost certainly destined for Rhodesia.

Record Ridgeway Tools of Sheffield has regularly supplied its wide range of products in a Dutch company, Zephyr Holland Transito NV. Zephyr, in turn, shipped the goods to Africa, unknown to Record Ridgeway. The goods were usually addressed to firms in Mozambique but in May this year the Dutch authorities began to suspect that Zephyr's owner, Joseph Schijveschuurder, was illegally exporting to Rhodesia, using South African ships.

The suspicion of the authorities coincided with a request from Zephyr to Aerotrans to begin shipping Record Ridgeway's tools via Affretair.

The consignment was delivered to the Schiphol transit warehouse. But Aerotrans, fearing it was bound for Rhodesia, refused to handle it. The tools are still there and Zephyr's activities are now being investigated by the Dutch Government. If Mr. Schijveschuurder has been breaking sanctions, he faces six years in prison and a fine of up to £15,000.

THE FRENCH CONNECTION

Affretair's legitimate air freight business is co-ordinated by a Frenchman called Claude Milan about whom we know very little. However the airline also uses the offices of a Paris firm, SCAC (Commercial Company for Chartering and Fuel). SCAC informs Schiphol by telex when the next Affretair flight can be expected.

Claude Fouchard, the company's international sales director, told The Sunday Times last Thursday that SCAC was not connected with Affretair but allowed the company to use its telex as an act of "commercial courtesy." He added: "To the best of my knowledge we have not in the past few months—I will not say years—shipped anything by air or sea to Rhodesia." He later corrected "in the past few months" to "within the past year."

On Friday, however, Mr. Fouchard's story changed. He issued a statement to us, by telex, which began: "This cancels and replaces all previous statements on the same subject." It went on to say that SCAC had *never* shipped goods, prohibited by UN sanctions, to Rhodesia.

As for SCAC's connection with Affretair: "We happen to work with them by using their DCS for transportation of foodstuffs to African countries affected by drought as also do several European governments and some charitable organisations such as the International Red Cross."

THE GERMAN CONNECTION

Affretair is indeed carrying foodstuffs (powdered milk from Germany to Niamey in Niger, but it did not begin flying relief shipments until August 5. Since then it has collected five loads from Cologne Airport while it was en route from Athens to Amsterdam.

How the milk gets to Niamey is something of a mystery. When Tango Romeo leaves Amsterdam on its return journey the destination listed on the flight plan is always Libreville.

The aircraft usually spends three hours on the ground at Cologne and the crew pays IntAir, the handling agents, the airport fees in cash. "And a very nice crew they are, too," a secretary at IntAir told us on Friday. "They come from Salisbury," she added. IntAir receives its instructions by telex from SCAC in Paris.

THE BRITISH CONNECTION

Among the British companies which are indirectly—and unwittingly—helping Rhodesia to earn vital foreign currency through Affretair's freight operation are Ford and British Leyland.

Ford and British Leyland goods are collected by an Essex shipping company, Channelflow, which has been contracted by the Malawi government to deliver 90 tons of cargo a month to Aerotrans at Schiphol. Aero-trans then sends it by Affretair to Libreville.

From Gabon another airline flies the cargo to Malawi, which is one of Rhodesia's more friendly neighbours. Malawi is one of the few places to which Air Rhodesia

is allowed to operate a scheduled passenger service and Rhodesia is Mawali's second biggest supplier of imports.

British Leyland sends car spares, Land-Rovers and, occasionally, Range-Rovers to Malawi on Tango Romeo. Ford sends up to nine tons of spares, via Channel-flow and Affretair—which is particularly ironic because after UDI, Ford voluntarily closed its large car assembly plant in Rhodesia. Until then it had the biggest share of Rhodesia's car market but now does all it can to prevent even a single spare part reaching Salisbury.

Last Friday a Ford spokesman said: "We are very strict about observing the UN sanctions. We will investigate the situation very carefully to see if we are indirectly helping Rhodesia earn foreign currency through Affretair."

Other manufacturers whose goods are being carried by Tango Romeo include the British firm GEC and the Dutch company Philips. The cargo which left Schiphol last Tuesday night included 10 tons of fuse switches from GEC Switch Gear and domestic goods from Philips, both destined for South Africa.

Three weeks ago an Affretair captain told an Olympic Airways supervisor in Athens that the airline had "acquitted" a second jet—a Boeing 707-720—which would operate at least one additional round trip a week, starting next month.

In April this year Rhodesia gleefully announced that she had acquired three Boeing 707-720s in the biggest single sanctions-busting deal. Mr. Smith described it as "a great feather in the country's cap" and claimed it proved that sanctions had failed.

Mr. Smith would not, however, answer two puzzling questions: who had sold the Boeings and how they were going to be used. (Air Rhodesia has no worthwhile passengers routes except to South Africa.) It now appears that one of them is going to be used by Affretair to expand its illegal export activities.

If Tango Romeo continues to operate on its present scale it will earn more than £4 million in a full year through meat exports and other freight business. Although the Boeing has a shorter range and can carry less cargo, it could add another £1 million.

SEVEN DAYS IN THE LIFE OF TANGO ROMEO

Wednesday, August 15

Departs Gabon
Arrives Athens—meat unloaded
Departs empty
Arrives Amsterdam—freight loaded
Departs

Thursday

Arrives Gabon—freight unloaded
Departs
Arrives Salisbury—meat loaded

Friday

Departs
Arrives Gabon—refueled
Departs
Arrives Athens—meat unloaded
Departs empty
Arrives Cologne—milk loaded
Departs
Port of call in Europe but not known—
but not Amsterdam

Saturday

Arrives Gabon—unloaded
Departs
Arrives Salisbury—meat loaded

Sunday

Departs
Arrives Gabon—refueled
Departs
Arrives Athens—meat unloaded
Departs empty
Arrives Cologne—milk loaded
Departs
Port of call in Europe not known—but
not Amsterdam

Monday

Arrives Gabon—unloaded
Departs
Arrives Salisbury—meat loaded

Tuesday

Departs
Arrives Gabon—refueled
Departs
Arrives Athens—meat unloaded
Departs empty
Arrives Amsterdam—freight loaded
Departs—calls at Cologne following
day to collect milk and flies on to
Gabon and Salisbury.

APPENDIX 31

EXCHANGE OF LETTERS BETWEEN CHAIRMAN DIGGS AND THE DEPARTMENT OF THE TREASURY, CONCERNING APPLICATION TO U.S. SUBSIDIARIES OF THE EMBARGO AGAINST SOUTHERN RHODESIA AND THE EMBARGOES AGAINST COMMUNIST COUNTRIES

JULY 9, 1973.

MR. WILLIAM L. GIFFORD,

Assistant to the Secretary for Legislative Affairs, Department of the Treasury, Washington, D.C.

DEAR MR. GIFFORD: In the course of the hearings on the "Implementation of the Arms Embargo Against Portugal and South Africa and Related Issues," a question arose in an exchange between the Counsel of the Subcommittee and a representative of the Department of Commerce as to the difference with respect to the limitations on U.S. subsidiaries in the enforcement of the embargo against Southern Rhodesia and the regulations enforcing embargoes against Communist countries. The Committee has been advised by the Commerce Department that this is properly a question within the jurisdiction of the Department of the Treasury.

It would be greatly appreciated if your Department would respond to this question so that this can be included in the appendix to the hearings.

Your cooperation is appreciated.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee on Africa.

TREASURY DEPARTMENT,
Washington, D.C., July 26, 1973.

HON. CHARLES C. DIGGS, Jr.,

Chairman, Subcommittee on Africa, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your letter of July 9, 1973 concerning the differences in treatment of U.S. subsidiaries under the Rhodesian Sanctions Regulations as against their treatment under other embargo regulations affecting North Vietnam, Cuba, the USSR and Eastern Europe.

As you know, the several regulations relating to the Communist countries were issued unilaterally under the authority of the Trading with the Enemy Act to implement embargos instituted for national security reasons. The Rhodesian regulations, on the other hand, were issued under the United Nations Participation Act to implement United Nations Security Council Resolutions relating to Rhodesia.

In the unilaterally issued regulations, the treatment of subsidiaries varies from regulation to regulation. Specifically, subsidiaries in foreign countries are prohibited from dealing with North Korea and North Vietnam without a special Treasury license. Similarly, subsidiaries in foreign countries are prohibited from shipping strategic commodities to the USSR, Eastern Europe, or the People's Republic of China, without a special license. An exception has been made for subsidiaries in NATO member nations, which may export to those destinations without special Treasury license if the export has been approved by the host country.

In the case of Cuba, foreign subsidiaries are technically prohibited from dealing with Cuba without a Treasury license. However, a general license exists which authorizes most subsidiary trade with Cuba. This general license, however, does not extend to American citizens who are officers, directors, or key managerial personnel of foreign firms. They must obtain individual licenses before they can trade with Cuba through the foreign subsidiary. The practical effect of this lat-

ter qualification is to preclude most, but not all, foreign subsidiary trade with Cuba.

The situation with respect to Rhodesia is quite parallel to the Cuban situation. Foreign subsidiaries are technically not covered by the regulations, (with one exception discussed later). However, American citizens who are officers, directors, or key managerial personnel of the foreign firms are themselves prohibited by the regulations from trading with Rhodesia through the subsidiary. Again, the practical effect is to preclude most, but not all, subsidiary trade with Rhodesia.

In this connection, it should be noted that the Rhodesian embargo is a mandatory obligation on all U.N. members. Accordingly, it is the obligation of the host country in each case to preclude trade by firms in its territory with Rhodesia. The U.S. control over American citizens serves as a secondary control measure, while the primary responsibility remains with the host country.

One qualification exists which might be mentioned. In drafting the implementing U.S. regulations, it was the desire of the U.S. Government to carry out the embargo fully, in the same fashion as the sponsor of the resolution (the U.K.). Accordingly, we consulted through the Department of State with the British Government as to whether their regulations applied to British subsidiaries in foreign countries. They replied that their regulations applied to firms in British territory, did not apply to British subsidiary firms in third countries, but did apply to British citizens who were officers of such firms. (As you will perceive, we adhered to the same policy.) The British added, however, that their regulations applied to firms in Rhodesia, since they regarded Rhodesian firms as British subjects despite the Unilateral Declaration of Independence. The U.S. then decided to have its regulations apply to American firms in Rhodesia. There is, of course, a problem as to the enforceability of the regulations with respect to American firms located in Rhodesia, at least to the extent such firms are placed under mandate by the Rhodesian regime and thereby compelled to engage in embargoed transactions.

I trust the foregoing explanations will serve to answer your inquiry fully.

Sincerely yours,

BRENT F. MOODY,
Deputy Assistant Secretary.

APPENDIX 32

EXCHANGE OF LETTERS BETWEEN CHAIRMAN DIGGS AND THE DEPARTMENT OF DEFENSE CONCERNING SALE OF P-3 NAVAL RECONNAISSANCE PLANES TO SOUTH AFRICA OR PORTUGAL

AUGUST 15, 1973.

MR. JOHN O. MARSH, JR.,
Assistant Secretary of Defense for Legislative Affairs, The Pentagon, Washington, D.C.

DEAR MR. MARSH: I have recently been informed that there is some consideration by departments of the Administration of the possibility of selling P-3 Naval reconnaissance planes to South Africa or to Portugal notwithstanding the U.S. arms embargo against South Africa and Portugal.

I am requesting that I be informed promptly as to whether there has been any consideration at all permitting such sales.

Sincerely,

CHARLES C. DIGGS, JR.,
Chairman, Subcommittee on Africa.

DEFENSE SECURITY ASSISTANCE AGENCY,
DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA,
Washington, D.C., August 28, 1973.

HON. CHARLES C. DIGGS, JR.,
Chairman, Subcommittee on Africa, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. DIGGS: In response to your letter of August 15, 1973, I wish to inform you that consideration is not being given to the sale of P-3 Maritime Patrol Aircraft to South Africa. However, Portugal has for some time expressed an interest in acquiring, through Grant Aid Military Assistance, P-3 aircraft to provide improved anti-submarine warfare capabilities in order to upgrade its contribution to NATO.

Portuguese officials have also evinced some interest in purchasing P-3's, but no formal request to purchase these aircraft has been received. In view of the high cost, it is conjectural, at this time, whether such a request will be forthcoming. Should such a request be made, however, it would receive careful consideration by departments of the Administration. Included in any such consideration would be a requirement for GOP assurances that the equipment would be restricted to use for NATO purposes only. In any case, such maritime patrol aircraft would have no practical applicability in the context of Portugal's military effort in Africa.

Sincerely,

RAY PEET,
*Vice Admiral, U.S. Navy,
Director, Defense Security Assistance Agency, OSD.*

APPENDIX 33

EXCHANGE OF LETTERS BETWEEN CHAIRMAN DIGGS AND JAMES H. NOYES, DEPARTMENT OF DEFENSE, CONCERNING TRAINING PROVIDED BY THE UNITED STATES TO PORTUESE MILITARY DURING THE PERIOD 1968 THROUGH 1973 TOGETHER WITH COMPUTER PRINTOUT

AUGUST 6, 1973.

HON. JAMES H. NOYES,
*Deputy Assistant Secretary of Defense (ISA),
The Pentagon, Washington, D.C.*

DEAR MR. NOYES: In connection with the printing of the hearing on the arms embargo, it is desired to include the listing of all courses which Portuguese have been programmed to participate in or have actually participated in, (1) by course title, (2) with the numbers of Portuguese participants for each year since 1968 and (3) in Europe and in the United States.

It would be appreciate if this material is received by August 13, 1973.

Sincerely,

CHARLES C. DIGGS, Jr.,
Chairman, Subcommittee on Africa.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 15, 1973.

HON. CHARLES C. DIGGS, JR.,
*Chairman, Subcommittee on Africa, Committee on Foreign Affairs, Congress
of the United States, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In accordance with your request of 8 August 1973, I am attaching an IBM run of the training that we have provided for the Portuguese military during the period 1968 through 1973, by course title, in Europe and in the United States.

The number of courses exceeds the number of actual students (as previously provided) because some students attend more than one course.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely,

JAMES H. NOYES,
*Deputy Assistant Secretary,
Near Eastern, African and South Asian Affairs.*

Enclosure.

(CONUS)

PORTUGUESE TRAINING

CC DESCRIPTION	68	69	70	71	72	73	COURSE TOT
PT UPT/JET/T-41, T-37, T-38					2		2
PT INSTRUMENT PILOT INSTR				1	2		3
PT PILOT INSTRUCTOR/T-37				1	2		3
PT TRANSITION/					2		2
PT ADV FLYING LANGUAGE/REFR				2			2
PT PHYSIOLOGICAL TRAINING				1	2		3
PT DJT AVIATION CONUS					8		8
PT ARTY TARGET ACU OFF			1	1			2
PT ARTY SURVEY OFF			1	1			2
PT PSYCH OPNS UNITS OFFICER			1				1
PT PSYCH OPNS STAFF OFFICER			1				1
PT BASIC SURVIVAL				3			3
PT FLIGHT SAFETY OFF (MAP)		1	1	1	2		5
PT FLYING SAFETY/		1		1	2		4
PT JET ENGINE ACCIDENT INV		1	1	1	2		5
PT SPECIAL AIR OPERATIONS/MAP	1						1
PT SHIP CREW TRAINING CONUS	50	75	35				160
PT RANGING AND DEPERMING		3		2			5
PT SURF EXP UPD DISP FGN STUD				3	1		4
PT NAV EXP OND DISP FGN STUD				3			3
PT NROD FOR PETTY OFFICERS		2	1	1	2		6
PT DAMAGE CONTROL-APPLIED		1	1	1	1		4
PT GEN SHIPBOARD FIREFIGHTING		1					1
PT BASIC DAMAGE CONTROL					1		1
PT RADIO SYSTEMS OFFICER		2		1	1		4

CC DESCRIPTION	68	69	70	71	72	73	COURSE TOT
PT ELECTRONICS MAINT OFF		2		1		1	4
PT COMM-ELECT STAFF OFF/MAF					1		1
PT BUWC CLASS-C			1				1
PT GYROCOMPASS REC ELECTRICAL	1			2			3
PT TELETYPE MAINT HOUZBASH C		1					1
PT ET CLASS-C(TAN/JRC32)		1					1
PT ET CLASS-C(TAN/JRC32)	1						1
PT AUTOMATIC TELEPHONES CL-C				1			1
PT GFCS MK-6J CLASS C		4	2				6
PT AN/SOS-29 SERIES OPS-MAINT		2		1			3
PT GUN BATTERY ALIGNMENT		2					2
PT ET CL-C(MK-10 IFF MAINT)			1				1
PT BASIC ARMED INSPECTOR				1		1	2
PT SR OFF PREVENTIVE MAINT		1	1	1	1		5
PT GUN MAINT 3/50 CAL RF TRIN		3					3
PT TORPEDO MK-44-021 (1-44)		1	1				2
PT PORTABLE FIRE PUMP REPAIR					1		1
PT DAMAGE CONTROL PLASTIC RPR					1		1
PT PLAN PROG *RUD SYSTEM					1		1
PT MILITARY COMPTROLLERSHIP					1		1
PT INV CONTROL PT OPS CRS JFO				1			1
PT FOREIGN OFF SUPPLY COURSE					1		1
PT FUNCTIONAL SUPPLY				1			1
PT OUT SHIPYARD CONUS				2	2		4
PT TNG ANALYSTS + DEVELOP/				1			1

CC DESCRIPTION	PORTUGUESE TRAINING						
	68	69	70	71	72	73	
PT TECHNICAL INSTRUCTOR					3		
PT INSTRUCTIONS CL-3 CRS ALFA			2	1			
PT FIREFIGHTING INSTRUCTOR		1		1	1	2	
PT AMEDD OFF ADV					1		
PT COMMAND-GENERAL STAFF OFF		1	1	1	1	1	
PT SR FGN OFF INTELLIGENCE					1		
PT LANGUAGE INSTRUCTOR			2		1		
PT OBS MED/HEALTH/HYG-CORUS	1		1		1		
PT ACADEMIC INSTRUCTOR SCHOOL					1		
PT AIR COMD + STAFF COLLEGE	1	1	1	1	1		
PT SQUADRON OFF SCHOOL/NAV				1	1	1	
PT AIR INTELLIGENCE OFF (MAP)				1			
PT PRECISION PHOTO SV OFF/NAV					1		
PT PRECISION PHOTO SYS/NAV						1	
PT AEROSPACE MED/PRIMARY (MAP)					1		
PT PHYSIOLOGICAL TUG OFF (MAP)					1		
PT PHYSIOLOGICAL/ "					1		
PT ALLIED OFF FAMILIARIZATION	1	1	1	2	2	1	
PT ALLIED OFF FAM/AEROMED					1		
PT ENGLISH LANGUAGE CRSE						4	
PT BASE CIVIL ENGINEER					1		
PT PAVEMENT ENGINEERING					1		
PT NAVAL COMMAND COURSE SFO		1			1		
PT NAVAL STAFF COURSE						1	
PT NAVY SUPPLY MGMT SFO				1			

CC DESCRIPTION	68	69	70	71	72	73	COURSE TOT
PT ASH TACTICAL COURSE SFO		-		1			1
PT NAVSHIPVD PROG/OPNS SFO					1		1
PT MATH REFRESHER PG			1	3	2	2	8
PT NAVAL ENGINEER JG (GEN)PG	1						1
PT ORDNANCE SYS ENGINEER PG	1		1	1			3
PT ENGR ELECTRONICS BASIC PG				1			1
PT OCEANOGRAPHY PG		1	1	1	1		3
PT MISC BUREAU OFF COURSES		1					1
PT MANAGEMENT DATA PROCESSING	1						1
PT DEFENSE MANAGEMENT SEMINAR			2	2			4
PT ENGLISH LANGUAGE COURSE	1				4		5
PT ENGR ELECTRON ADV PG MS					1	1	2
PT ORDNANCE SYS ENGR PG MS						1	1
PT UNDERWATER PHYS SYSTEM PG MS						1	1
PT NAVAL CONSTR + ENGINEERING	2	2	2	2	2		8
PT ADVANCED SCIENCE PG		1					1
PT ENGINEERING SCIENCE						1	1
PT OPER RES/SYS ANALYSIS PG		1	1				2
PT ADDITIONAL PG TRAINING	1	2	1	1	3	2	9
PT ADDITIONAL PG TRAINING			1				1
PT SHIP SALVAGE DIVING OFF					1		1
PT DESTROYER DEPT HD CRSE(PG)						1	1
PT MISC BUPERS OFF COURSES	2	2	1				5
PT MISC BUPERS FJL COURSES		3					3
PT OUT TECH/ADMIN CONUS	2	1	2	4	7		16

P O R T U G U E S E T R A I N I N G									
CC DESCRIPTION	68	69	70	71	72	73	COURSE TOT		
PT MISC TRALANT OFF COURSES					1				1
PT ORIENT TOUR-CONJS	5		5		5	5			20
PT INFORMATIONAL PROGRAM ING	9	1	9	2	2				23
PT ORIENTATION TRAINING		5							5
PT INFORMATIONAL PROGRAM	1	7	2	3	12				25
PT ORIENTATION VISIT D.V.	3					3			6
PT INFORMATIONAL PROGRAM TRNG	15	12	10	13	19				69

(OVER SEAS)

PORTUGUESE TRAINING

CC DESCRIPTION

COURSE TOT

68 69 70 71 72 73

PT DEMOLITIONS + MINE WARFARE

2

2

PT MINE WARFARE

1

1

PT EXPLOSIVES AND DEMOLITIONS

1

1

PT AIR GROUND OPERATIONS

7 8

15

PT FLYING SAFETY OFF

2 2

4

PT AIR RESCUE OPNS

2

2

PT ARN-21 TACAN MAINT

2

2

PT AN/JRN-3A TACAN MAINT

1

1

PT AFM 66-1 MAINT NGT

2 2

4

PT ORGN PLANNING

1

1

PT WORK PLAN/CONTROL APPREC

1

1

PT OUT LOGISTICS TNG-OS

2

2

PT OUT PROFEL/SPEC-OS

3

3

PT OBS PROFEL/SPEC-OS

25 29

25 28 28

135

PT PHYSIOLOGICAL TNG/INITIAL

13 8

21

PT PHYSIOLOGICAL TNG/REF

10

10

PT TACT FIGHTER SQ ORIENT

4 5 5

14

PT AIR TRAFFIC MGT IDENT

4

4

PT ORIENTATION VISIT/GENERAL

5

5

PT NATO SR O ADV WPNS

1

2

3

PT NATO STAFF OFF ADV WPN ORN

2 2

4

PT NATO ARMY OFF NUC WPNS EMP

1

1

PT NATO O BIU/CHEM WPNS ENPL

2

1

3

APPENDIX 34

ANSWERS BY PAN AMERICAN WORLD AIRWAYS, INC. (PAN AM) AND THE RCA CORPORATION TO QUESTIONNAIRE BY SUBCOMMITTEE ON AFRICA OF THE HOUSE FOREIGN AFFAIRS COMMITTEE ON U.S. AIR FORCE TRACKING STATION IN SOUTH AFRICA

Subject: Contracting and Sub-contracting activity in connection with Tracking Station #13 (Pretoria, South Africa) of the Air Force Eastern Test Range (AFETR).

Attached are the Pan Am and RCA replies to questionnaire, developed at the request of the United States Air Force (USAF), as called for by Subcommittee on Africa.

The USAF noted, in checking these replies, that the Pan Am reply to questions III (G) (H) and (I), if not further clarified, could possibly give rise to further questions. Therefore, in response to query by the USAF, the Pan Am contractor clarified that the \$141.00 per month is a rate payable to *unskilled* labor. Moreover, the higher wage rates are paid and applicable to managerial, engineering and other *skilled* labor.

Enclosures—2:

1. Pan Am Questionnaire (USAF Contractor—Station # 13)
2. RCA Questionnaire (Sub-contractor)

PAN AMERICAN WORLD AIRWAYS RESPONSE

QUESTIONNAIRE ¹

I. Reasons for going into Southern Africa

- A. *When did your company first enter South Africa?* January 1961.
- B. *What factors entered into your decision to invest there?* No investment involved.
- C. *What type of business or businesses are there?* Performance of U.S. Government Contract.
- D. *Where are these businesses located?* Near Pretoria, Republic of South Africa.
- E. *Do you have business involvement in: Namibia (South West Africa); Southern Rhodesia; Angola; Mozambique; Guinea-Bissau?* No.
- F. *If so, please describe your operations and locations in each of these places.* N/A.
- G. *What is the value of your investment in each country?* None of payroll and operating funds. All facilities are U.S. Government furnished.
- H. *How does this compare with your original investment?* N/A.
- I. *What is the rate of return on your investment?* N/A.
- J. *How does this compare with the rate of return in: United States; Black African countries where you are involved (please specify by country); Other countries?* N/A.

II. Employees

- A. *How many employees do you have in each of these businesses?* Nine.
- B. *How many of these employees are expatriates?* None.
- C. *Of the locals, how many are: White—7; Coloureds; Asian; Black—2.*
- D. *What percentage of your employees are: White—78%; Coloureds; Asian; Black—22%.*
- E. *What percentage of your payroll is paid to: Whites—93%; Coloureds; Asians; Black—7%.*

¹ Pan American World Airways, Inc. Aerospace Services Division. The information contained herein does not apply to Pan Am as a whole, but only to the Aerospace Services Division's activities in performance of U.S. Government Contract operations in the Republic of South Africa which fluctuate with the operating requirements of the Air Force Eastern Test Range.

F. In 1971, what percentage of cash salaries was paid to: Whites—94%; Coloureds; Asians; Black—6%

G. How do you hire your African employees: Whites—News paper ads; Coloureds; Asians; Blacks—No hires in last 11 years.

H. Do you enter into labor contracts with or with respect to your African employees? No.

I. How many of your employees have incurred difficulties because of labor contract violations? N/A. Number of violations involving: fines; imprisonment; other?

J. How many working days were lost due to work stoppages in your American firm and in your South African firm, respectively? None.

K. What are the average working hours per week for: Whites—40 hours; Coloureds; Asians; Blacks—40 hours.

L. What is the average length of employment with your firm for: Whites—5½ years; Coloureds; Asians; Blacks—12 years.

III. Employment Practices

A. What is the average rate of promotion for: Whites; Coloureds; Asians; Blacks? No promotions or new hires past five years.

B. What training programs do you operate? None.

C. Which groups are eligible for each training program? None.

D. What proportion of each group listed below has participated in a training program operated by your firm? Whites; Coloureds; Asians; Blacks? N/A.

E. What was the average starting salary in 1960 for: Whites; Coloureds; Asians; Blacks? N/A.

F. What was the average starting salary in 1971 for: Whites; Coloureds; Asians; Blacks? No new hires in 1971.

G. What is the usual salary (what salary is the mode) for: Whites—Management \$680,000, Hourly \$471.00 Per Month; Coloureds; Asians; Blacks—\$141.00 Per Month.

H. What is the top salary of Whites—\$918.50 Per Month; Coloureds; Asians; Blacks—\$141.00 Per Month.

I. What is the bottom salary of: Whites—\$368.00 Per Month; Coloureds; Asians; Blacks—\$141.00 Per Month.

J. What is the poverty datum line for your area? Unknown.

K. Without including payments in kind, how many of your employees receive salaries below the poverty datum line? Unknown.

L. What percentage is this of your Black employees? N/A.

M. Do you pay wages in kind to: Whites; Coloureds; Asians; Blacks? No.

N. If so, how does this affect your answers to K and L? N/A.

O. Is there a government wage determination applicable to your Black employees? All wages paid are in compliance with local law.

P. If so, what is it?

Q. Have you ever been fined or had difficulty because of violation of: Wage determinations? No; Job reservations? No; Other violations? No.

IV. Fringe Benefits

A. What are the fringe benefits for each group in the areas listed below? Please specify differences for each group. Whites—Vacation and Sick Leave; Coloureds; Asians; Blacks—Vacation and Sick Leave, Free Medical Aid; Vacation Leave—X; Sick Leave—X; Permanent Disability Benefits; Termination of Employment; Low Interest Housing Loans; Educational Assistance; Insurance or Death Benefits; Christmas Bonuses; Stock Dividends; Any Benefits you give not listed above.

B. Which of the following facilities are provided for each group? (Please be specific as to the nature of these facilities.) Whites—Rest Rooms; Coloureds; Asians; Blacks—Rest Rooms, Locker Rooms; Rest Rooms—X; Lounges; Eating Facilities; Sports or Recreation Facilities; Any other facilities you provide.

C. Which of the above facilities are segregated? None.

V. Labor Relations

A. If your company engages in collective bargaining with the following groups, what issues or problems are covered? Whites; Coloureds; Asians; Blacks? N/A.

B. Are there unions or works committees for: Whites; Coloureds; Asians; Blacks? N/A.

C. Is there a complaint or grievance procedure, official or unofficial, for: Official; Unofficial (specify nature); Whites; Coloureds; Asians; Blacks? N/A.

D. What is the dismissal procedure for: Whites; Coloureds; Asians; Blacks? Two weeks notice to all employees for reduction in force, immediate discharge for cause.

E. In each of these cases, is there an appeal procedure? No formal appeal procedures.

F. Have you ever had any difficulties in your relations with official trade unions? Of what nature? N/A.

VI. Services

A. What educational programs (excluding company training programs you operate) or assistance do you provide to: Whites; Coloureds; Asians; Blacks? None.

B. Do you have literacy programs for your workers? Which group? No.

C. Do you provide the following to your employees Whites; Coloureds; Asians; Blacks? the Free classes at outside schools—No; Scholarships—No; Tuition refunds—Tuition refund for job associated courses is available to all employees; Training abroad—No.

D. Do you have scholarship programs for your employees' children? Whites; Coloureds; Asians; Blacks? No. Pre-high school; High school; College; Other.

E. When a Black African worker dies and his family is required to go to a reserve, do you provide any of the following forms of assistance to his children and/or spouse? Transport or resettlement costs; Legal aid; General financial assistance; Educational assistance? No.

F. Does your company assist Black workers with: Housing needs; Residence permits; Pass difficulties? No.

G. If so, what type of aid is given? N/A.

H. To assess some factors relevant to the impact of the presence of your company in Southern Africa, information on the following should be provided for the year your company began operations in Southern Africa and for the present year:

1. What is the general health status of inhabitants in the area or areas where your firm operates? White; Coloured; Asian; Blacks? Unknown.

2. What is the incidence of Kwashiorkor in the area or areas where your firm operates? White; Coloureds; Asians; Blacks? Unknown.

3. What is the rate of infant mortality in the area or areas where your firm operates? White; Coloureds; Asians; Blacks? Unknown.

4. What is the average life expectancy in the area or areas where your firm operates? White; Coloureds; Asians; Blacks? Unknown.

I. How far, on the average, do your workers have to come to work? White—20 Miles; Coloureds; Asians; Blacks? 4 Miles.

J. Do you provide transportation for (please specify type): White—Yes, automobile; Coloureds; Asians; Blacks?—Yes, automobile.

K. How many of your Black employees are separated from their families? How many of these are separated for reasons beyond your control (ex: Group Areas Legislation)? Unknown.

VII. Charitable Contributions

A. Does your company contribute to: South Africa Foundation; Institute of Race Relations; Christian Institute; Any student organizations (please specify); Any colleges or universities (please specify); Educational or cultural organizations, such as ASSECA (please specify); Educational trusts for employees' children; Any other organizations? No.

B. What percentage of the annual profits of your South African operation do you contribute to such organizations? N/A.

C. Does your company contribute to: South Africa Foundation? No. Other business or political organizations (please specify).

D. What percentage of the annual profits do you contribute to these organizations? N/A.

VIII. Company Attitudes

A. What is your company's policy with regard to relations with the South African Government? We have none except through United States Air Force.

B. Briefly, what is your philosophy of doing business in South Africa? (Ex: are you there purely for reasons of profit or do you feel you are helping the Blacks; if so, how?) Responsive to U.S. Government contract requirements.

C. Is selection of executives made to ensure enlightened or progressive management with regard to corporate and social responsibility and humane employment practices? No executives located in South Africa.

D. *To what extent are top jobs in South Africa held by South Africans?* All employees in South Africa are local employees.

E. *What percentage of these belong to: Nationalist Party; United Party; Progressive Party?* Unknown.

F. *Is any aid given by the parent company to help or encourage progressive race relations within the limits of South African law?* No.

G. *Does the company have an orientation program for non-South African executives to alert them to the problems arising from apartheid?* N/A.

H. *Do any of the job reservations affect your company (please specify)?* Hiring is in accordance with local laws.

I. *Have any exceptions in the Job Reservation(s) Act been granted to you?* No.

J. *What are the factors that limit your efforts to improve employment conditions?* U.S. Government Contract requirements.

K. *Does your company support the principle of equal pay for equal work?* Yes.

L. *How many Blacks and whites do equal work in your firm?* None.

M. *If any, what is their respective rate of pay?*

N. *In the past ten years, how many Blacks have you upgraded?* None. *What effect has this had on your job classification scheme or on your compliance with the Job Reservation(s) Act?* N/A. Note: Reply to L. and N. above relates to South Africa only.

IX. Border Industries

A. *Is your company operating in any border area or "homeland"?* No.

B. *If so, how do the wages compare with wage determinations in urban areas?* N/A.

C. *What problems have you encountered due to the location?* N/A.

D. *How does the competition for white jobs compare with that in other areas?* N/A.

X. *To what extent do you find it necessary to recruit outside South Africa for immigrants to fill skilled jobs?* No outside recruiting.

XI. *Has the company ever used its influence with or lobbied the South African Government on any issue (Please specify)?* No.

XII. *Has your company ever considered investing, i.e., Lesotho, Swaziland or Botswana, or has it invested in the neighboring majority-ruled states? If so, which ones or where?* No.

XIII. Role of the United States Government

A. *To what extent has your company explored the possibility of actively supporting change which would benefit the majority?* None.

B. *How can the United States Government assist you in this endeavor?* N/A.

C. *Do you rely on the advice of the United States Embassy for guidance as to business and employment practices?* Yes; in coordination with United States Air Force Liaison Office.

D. *How could this service be improved?* No recommendations.

XIV. Company's Role

A. *Has there been a recent reappraisal of your investment in Southern Africa? If so, please specify the issues involved and decisions reached.* N/A.

B. *What is your general policy toward white-ruled Southern Africa?* Compliance with all governing Policies and Procedures.

C. *In the last year, what top executives have visited your South African operation?* Manager and Assistant Manager, Range Bases.

D. *How does this compare with visits in years before that?* Same.

E. *What new actions have been taken in the past year with regard to (please specify for each group: Whites, Coloureds, Asians, Blacks):* Wages—Employees rate of wage progression is based on Individual Performance and Longevity; System of communication between workers and management—No new Policies; Educational programs—None; Fringe Benefits—None.

G. *To what extent has your firm received inquiries recently, due to its involvements in South Africa from: Stockholders (individual and institutional); Church organizations; Foundations; Other sources?* None.

XV. Recent Activities

A. *Has your firm imported goods into the United States under the Byrd Amendment? (Sec. 503 of the Military Procurement Act?)* No.

B. *To what extent does your South African organization now have dealing with businesses or individuals in Southern Rhodesia?* None.

C. *Has your firm had any new concessions or expanded activities in Namibia (South West Africa) since 1966?* No.

RCA CORPORATION RESPONSE

QUESTIONNAIRE ¹

I. *Reasons for going into Southern Africa:* Air Force direction.

A. *When did your company first enter South Africa?* January 1961.

B. *What factors entered into your decision to invest there?* No investment.

C. *What type of business or businesses are there?* Performance of U.S. Government contract.

D. *Where are these businesses located?* Near Pretoria, South Africa.

E. *Do you have business involvement in:* Namibia (South West Africa); No. Southern Rhodesia; No. Angola; No. Mozambique; No. Guinea-Bissau? No.

F. *If so, please describe your operations and locations in each of these places.*

G. *What is the value of your investment in each country?* None.

H. *How does this compare with your original investment?* N/A.

I. *What is the rate of return on your investment?* N/A.

J. *How does this compare with the rate of return in:* United States; Black African countries where you are involved (please specify by country); Other countries? N/A.

II. *Employees*

We maintain one U.S. National employee in South Africa. On occasion, once or twice per year, he is joined by 4 to 6 other U.S. Nationals on a temporary duty basis (30-90 days). These employees must hold U.S. security clearance.

A. *How many employees do you have in each of these businesses?* One.

B. *How many of these employees are expatriates?* None (one U.S. citizen).

C. *Of the locals, how many are:* No locals; White; Coloured; Asian; Black?

D. *What percentage of your employees are:* White—100 (one employee); Coloured; Asian; Black?

E. *What percentage of your payroll is paid to:* Whites—100 (one employee); Coloureds; Asians; Blacks?

F. *In 1971, what percentage of cash salaries was paid to:* Whites—100 (one employee); Coloureds; Asians; Blacks?

G. *How do you hire your African employees:* Whites; Coloureds; Asians; Blacks? N/A.

H. *Do you enter into labor contracts with or with respect to your African employees?* N/A.

I. *How many of your employees have incurred difficulties because of labor contract violations?* None. Number of violations involving: fines; imprisonment; other?

J. *How many working days were lost due to work stoppages in your American firm and in your South African firm, respectively?* None.

K. *What are the average working hours per week for:* Whites—40 (one employee); Coloureds; Asians; Blacks?

L. *What is the average length of employment with your firm for:* Whites—one employee (12.5 yrs); Coloureds; Asians; Blacks?

III. *Employment Practices*

A. *What is the average rate of promotion for:* Whites—See 3G below; Coloureds; Asians; Blacks?

B. *What training programs do you operate?* None in South Africa.

C. *Which groups are eligible for each training program?* N/A.

D. *What proportion of each group listed below has participated in a training program operated by your firm?* Whites; Coloureds; Asians; Blacks? N/A.

E. *What was the average starting salary in 1960 for:* Whites—No presence in South Africa in 1960. Coloureds; Asians; Blacks? N/A.

¹ The answer given here apply only to the Missile Test Project of the RCA International Service Corp. and not to the RCA Corporation as a whole.

F. What was the average starting salary in 1971 for: Whites—No new hires in 1971 for this location. Coloureds; Asians; Blacks? N/A.

G. What is the usual salary (what salary is the mode) for: Whites—One employee @ \$10,806.90 per year plus \$289.00 per month living allowance. Coloureds; Asians; Blacks?

H. What is the top salary of: Whites—See (G); Coloureds; Asians; Blacks?

I. What is the bottom salary of: Whites—See (G); Coloureds; Asians; Blacks?

J. What is the poverty datum line for your area? Unknown.

K. Without including payments in kind, how many of your employees receive salaries below the poverty datum line? None.

L. What percentage is this of your Black employees? N/A.

M. Do you pay wages in kind to: Whites; Coloureds; Asians; Blacks? N/A.

N. If so, how does this affect your answers to K and L? N/A.

O. Is there a government wage determination applicable to your Black employees? N/A.

P. If so, what is it? N/A.

Q. Have you ever been fined or had difficulty because of violations of: Wage determinations—No; Job reservations—No; Other violations—No.

IV. Fringe Benefits

A. What are the fringe benefits for each group in the areas listed below? Please specify differences for each group. One employee only—N/A. Whites; Coloureds; Asians; Blacks: Free Medical Aid, Vacation Leave, Sick Leave, Permanent Disability Benefits, Termination of Employment, Low Interest Housing Loans, Educational Assistance, Insurance or Death Benefits, Christmas Bonuses, Stock Dividends, Any Benefits you give not listed above?

B. Which of the following facilities are provided for each group (Please be specific as to the nature of these facilities.) Restroom facilities provided to the one employee by U.S. Government. Whites; Coloureds; Asians; Blacks. Locker Rooms, Rest rooms, Lounges, Eating Facilities, Sports or Recreation Facilities, Any other facilities you provide?

C. Which of the above facilities are segregated? None.

V. Labor Relations—No collective bargaining at this location

A. If your company engages in collective bargaining with the following groups, what issues or problems are covered? Whites; Coloureds; Asians; Blacks?

B. Are there unions or works committees for: Whites; Coloureds; Asians; Blacks? N/A.

C. Is there a complaint or grievance procedure, official or unofficial, for: Official; Unofficial (specify nature): Whites; Coloureds; Asians; Blacks? Appeal through management channels.

D. What is the dismissal procedure for: Whites—Management decision; Coloureds; Asians; Blacks?

E. In each of these cases, is there an appeal procedure? Yes.

F. Have you ever had any difficulties in your relations with official trade unions? Of what nature? N/A.

VI. Services

A. What educational programs (excluding company training programs you operate) or assistance do you provide to: Whites—One employee—Tuition Loan and Refund Program; Coloureds; Asians; Blacks?

B. Do you have literacy programs for your workers? Which groups N/A.

C. Do you provide the following to your employees? One white U.S. employee; Whites; Coloureds; Asians; Blacks. Free classes at outside schools—No; Scholarships—Yes; Tuition refunds—Yes; Training abroad—No.

D. Do you have scholarship programs for your employees' children? One white U.S. employee. Whites; Coloureds; Asians; Blacks? Pre-high school—No; High school—No; College—Yes; Other.

E. When a Black African worker dies and his family is required to go to a reserve, do you provide any of the following forms of assistance to his children and/or spouse? Transport or resettlement costs; Legal aid; General financial assistance; Educational assistance? N/A.

F. Does your company assist Black workers with: Housing needs; Residence permits; Pass difficulties? N/A.

G. If so, what type of aid is given? N/A.

H. To assess some factors relevant to the impact of the presence of your company in Southern Africa information on the following should be provided for the year your company began operations in Southern Africa and for the present year.

1. What is the general health status of inhabitants in the area or areas where your firm operates? White; Coloured; Asian; Blacks? Unknown.

2. What is the incidence of Kwashiorkor in the area or areas where your firm operates? White; Coloureds; Asians; Blacks? Unknown.

3. What is the rate of infant mortality in the area or areas where your firm operates? White; Coloureds; Asians; Blacks? Unknown.

4. What is the average life expectancy in the area or areas where your firm operates? White; Coloureds; Asians; Blacks? Unknown.

I. How far, on the average, do your workers have to come to work? White—20 miles—one employee; Coloureds; Asians; Blacks.

J. Do you provide transportation for (please specify type): White—Yes—one employee—automobile; Coloureds; Asians; Blacks?

K. How many of your Black employees are separated from their families? How many of these are separated for reasons beyond your control (ex: Group Areas Legislation)? N/A.

VII. Charitable Contributions—None in South Africa

A. Does your company contribute to: South Africa Foundation; Institute of Race Relations; Christian Institute; Any student organizations (please specify); Any colleges or universities (please specify); Educational or cultural organizations, such as ASSECA (please specify); Educational trusts for employees' children; Any other organizations?

B. What percentage of the annual profits of your South African operation do you contribute to such organizations? N/A.

C. Does your company contribute to: South Africa Foundation—No; Other business or political organizations (please specify)—No.

D. What percentage of the annual profits do you contribute to these organizations? N/A.

VIII. Company Attitudes

A. What is your company's policy with regard to relations with the South African Government? (None except thru USAF.)

B. Briefly, what is your philosophy of doing business in South Africa? (Ex: are you there purely for reasons of profit or do you feel you are helping the Blacks; if so, how?) Responsive to contract requirements.

C. Is selection of executives made to ensure enlightened or progressive management with regard to corporate and social responsibility and humane employment practices? N/A.

D. To what extent are top jobs in South Africa held by South Africans? N/A.

E. What percentage of these belong to: Nationalist Party; United Party; Progressive Party? N/A.

F. Is any aid given by the parent company to help or encourage progressive race relations within the limits of South African law? N/A.

G. Does the company have an orientation program for non-South African executives to alert them to the problems arising from apartheid? N/A—No executives—however employees indoctrinated prior to departure to South Africa.

H. Do any of the job reservations affect your company? (please specify). N/A

I. Have any exceptions in the Job Reservation(s) Act been granted to you? N/A.

J. What are the factors that limit your efforts to improve employment conditions? N/A.

K. Does your company support the principle of equal pay for equal work? N/A.

L. How many Blacks and whites do equal work in your firm? N/A.

M. If any, what is their respective rate of pay? N/A.

N. In the past ten years, how many Blacks have you upgraded? What effect has this had on your job classification scheme or on your compliance with the Job Reservation(s) Act? N/A.

IX. Border Industries

A. Is your company operating in any border area or "homeland"? No.

B. If so, how do the wages compare with wage denominations in urban areas? N/A.

C. What problems have you encountered due to the location? N/A.

D. How does the competition for white jobs compare with that in other areas? N/A.

X. To what extent do you find it necessary to recruit outside South Africa for immigrants to fill skilled jobs? N/A.

XI. Has the company ever used its influence with or lobbied the South African Government on any issue? (Please specify.) N/A.

XII. Has your company ever considered investing, i.e., Lesotho, Swaziland or Botswana, or has it invested in the neighboring majority-ruled states? If so, which ones or where? No.

XIII. Role of the United States Government

A. To what extent has your company explored the possibility of actively supporting change which would benefit the majority? N/A.

B. How can the United States Government assist you in this endeavor? N/A.

C. Do you rely on the advice of the United States Embassy for guidance as to employment practices? Yes.

D. How could this service be improved? Service adequate for our needs.

XIV. Company's Role

A. Has there been a recent reappraisal of your investment in Southern Africa? If so, please specify the issues involved and decisions reached? N/A.

B. What is your general policy toward white-ruled Southern Africa? N/A.

C. In the last year, what top executives have visited your South African operation? None

D. How does this compare with visits in years before that? Average—one trip per year.

E. What new actions have been taken in the past year with regard to: (please specify for each group: Whites, Coloureds, Asians Blacks.) Wages; System of communication between workers and management; Education programs; Fringe Benefits? N/A—one employee.

G. To what extent has your firm received inquiries recently, due to its involvements in South Africa from: Stockholders (individual and institutional); Church organizations; Foundations; Other sources? No inquiries received.

XV. Recent Activities

A. Has your firm imported goods into the United States under the Byrd Amendment? (Sec. 503 of the Military Procurement Act?) No.

B. To what extent does your South African organization now have dealings with businesses or individuals in Southern Rhodesia? None.

C. Has your firm had any new concessions or expanded activities in Namibia (South West Africa) since 1966? No.

APPENDIX 35

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 5386 (1963)

RESOLUTION (S/5386), as submitted by 3 powers, S/5384, adopted by Council on 7 August 1963, meeting 1056, by 9 votes to 0, with 2 abstentions (France, United Kingdom).

"The Security Council,

"Having considered the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa, as submitted by the thirty-two African Member states,

"Recalling Security Council resolution S/4300 of 1 April 1960,

"Taking into account that world public opinion has been reflected in General Assembly resolution 1761 (XVII) and particularly in its paragraphs 4 and 8,

"Noting with appreciation the two interim reports of the Special Committee on the policies of *apartheid* of the Government of South Africa contained in documents S/5310 of 9 May and S/5353 of 17 July 1963,

"Noting with concern the recent arms build-up by the Government of South Africa, some of which arms are being used in furtherance of that Government's racial policies,

"Regretting that some States are indirectly providing encouragement in various ways to the Government of South Africa to perpetuate, by force, its policy of *apartheid*,

"Regretting the failure of the Government of South Africa to accept the invitation of the Security Council to delegate a representative to appear before it,

"Being convinced that the situation in South Africa is seriously disturbing international peace and security,

"1. Strongly deprecates the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and contrary to its obligations as a Member State of the United Nations;

"2. Calls upon the Government of South Africa to abandon the policies of *apartheid* and discrimination as called for in the previous Security Council resolution of 1 April 1960, and to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of *apartheid*;

"3. Solemnly calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa;

"4. Requests the Secretary-General to keep the situation in South Africa under observation and to report to the Security Council by 30 October 1963."

APPENDIX 36

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 5471 (1963)

RESOLUTION (S/5471), as proposed by Norway, S/5469, adopted unanimously by Council on 4 December 1963, meeting 1078.

"The Security Council,

"Having considered the race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa,

"Recalling previous resolutions of the Security Council and of the General Assembly which have dealt with the racial policies of the Government of the Republic of South Africa, and in particular the Security Council resolution S/5386 of 7 August 1963,

"Having considered the Secretary-General's reports contained in S/5438 and Addenda,

"Deploing the refusal of the Government of the Republic of South Africa as confirmed in the reply of the Minister of Foreign Affairs of the Republic of South Africa to the Secretary-General received on 11 October 1963, to comply with Security Council resolution S/5386 of 7 August 1963, and to accept the repeated recommendations of other United Nations organs,

"Noting with appreciation the replies to the Secretary-General's communication to the Member States on the action taken and proposed to be taken by their Governments in the context of that resolution's operative paragraph 3, and hoping that all the Member States as soon as possible will inform the Secretary-General about their willingness to carry out the provisions of that paragraph,

"Taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa contained in document A/5497,

"Noting with deep satisfaction the overwhelming support for the resolution A/RES/1881(XVIII) adopted by the General Assembly on 11 October 1963,

"Taking into account the serious concern of the Member States with regard to the policy of apartheid as expressed in the general debate in the General Assembly as well as in the discussion in the Special Political Committee,

"Being strengthened in its conviction that the situation in South Africa is seriously disturbing international peace and security, and strongly deprecating the policies of the Government of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and with its obligations as a Member State of the United Nations,

"Recognizing the need to eliminate discrimination in regard to basic human rights and fundamental freedoms for all individuals within the territory of the Republic of South Africa without distinction as to race, sex, language or religion.

"Expressing the firm conviction that the policies of apartheid and racial discrimination as practised by the Government of the Republic of South Africa are abhorrent to the conscience of mankind and that therefore a positive alternative to these policies must be found through peaceful means,

"1. Appeals to all States to comply with the provisions of Security Council resolution S/5386 of 7 August 1963 :

"2. Urgently requests the Government of the Republic of South Africa to cease forthwith its continued imposition of discriminatory and repressive measures which are contrary to the principles and purposes of the Charter and which are in violation of its obligations as a Member of the United Nations and of the provisions of the Universal Declaration of Human Rights ;

"3. Condemns the non-compliance by the Government of the Republic of South Africa with the appeals contained in the above-mentioned resolutions of the General Assembly and the Security Council ;

"4. Again calls upon the Government of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid ;

"5. *Solemnly calls upon* all States to cease forthwith the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa ;

"6. *Requests* the Secretary-General to establish under his direction and reporting to him a small group of recognized experts to examine methods of resolving the present situation in South Africa through full, peaceful and orderly application of human rights and fundamental freedoms to all inhabitants of the territory as a whole, regardless of race, colour or creed, and to consider what part the United Nations might play in the achievement of that end ;

"7. *Invites* the Government of the Republic of South Africa to avail itself of the assistance of this group in order to bring about such peaceful and orderly transformation ;

"8. *Requests* the Secretary-General to continue to keep the situation under observation and to report to the Security Council such new developments as may occur, and in any case not later than 1 June 1964, on the implementation of this resolution."

APPENDIX 37

REPORT OF THE UNITED NATIONS GENERAL ASSEMBLY SPECIAL COMMITTEE ON APARTHEID OF MARCH 1971 (AND THREE SUB- SEQUENT ADDENDUMS) ENTITLED "NOTE ON DEVELOPMENTS CONCERNING THE IMPLEMENTATION OF THE ARMS EMBARGO AGAINST SOUTH AFRICA"

UNITED NATIONS
GENERAL
ASSEMBLY



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SPECIAL COMMITTEE ON APARTHEID

NOTE ON DEVELOPMENTS CONCERNING THE IMPLEMENTATION OF
THE ARMS EMBARGO AGAINST SOUTH AFRICA

Rapporteur: Mr. Uddhav Deo BHATT (Nepal)

[Note: At its 152nd meeting, on 24 February 1970, the Special Committee requested its rapporteur to prepare a special report on the arms trade with South Africa since the adoption of Security Council resolution 282 (1970) of 23 July 1970. This report has been prepared in pursuance of that request.]

(361)

INTRODUCTION

1. In resolution 282 (1970) of 23 July 1970, the Security Council reaffirmed its resolutions 181 (1963), 182 (1963) and 191 (1964) and condemned the violations of the arms embargo against South Africa called for in those resolutions. In paragraph 4 of the resolution, it called upon all States to strengthen the arms embargo:

"(a) By implementing fully the arms embargo against South Africa unconditionally and without reservations whatsoever;

"(b) By withholding supply of all vehicles and equipment for use of the armed forces and paramilitary organizations of South Africa;

"(c) By ceasing supply of spare parts for all vehicles and military equipment used by the armed forces and paramilitary organizations of South Africa;

"(d) By revoking all licences and military patents granted to the South African Government or to South African companies for the manufacture of arms and ammunition, aircraft and naval craft or other military vehicles and by refraining from further granting such licences and patents;

"(e) By prohibiting investment in or technical assistance for the manufacture of arms and ammunition, aircraft, naval craft, or other military vehicles;

"(f) By ceasing provision of military training for members of the South African armed forces and all other forms of military co-operation with South Africa;

"(g) By undertaking the appropriate action to give effect to the above measures."

Further, in paragraph 6 of the resolution, it called upon all States "to observe strictly the arms embargo against South Africa and to assist effectively in the implementation of the present resolution".

The main developments relating to the implementation of the arms embargo against South Africa, since the adoption of this resolution, are reviewed in this note.^{1/}

^{1/} See also reports of the Secretary-General on the implementation of Security Council resolution 232 (1970) and General Assembly resolution 2624 (XXV) in documents S/10092 and A/3203 and Add.1.

It may be recalled that the Security Council had considered the matter in July 1970 in view of the declared intention of the United Kingdom Government to resume supply of certain types of military equipment to South Africa, as well as reports concerning continued supplies of military equipment by other States to South Africa.

Prior to the adoption of the Security Council resolution, the representative of the United Kingdom stated that it was his Government's intention to give effect to the purposes of the Simonstown Agreement and "to consider within that context applications for the export to South Africa of certain limited categories of arms, so long as they are for maritime defence directly related to the security of the sea routes". His Government was consulting the Commonwealth Governments, and also the South African Government which had sought clarification of the interpretation of the Simonstown Agreement. It proposed to complete these consultations and discussions before decisions were finally taken.^{2/}

In September 1970, the Council of Ministers of the Organization of African Unity and the third Conference of Heads of State or Government of Non-aligned Countries adopted resolutions condemning those States which continued or intended to supply arms to South Africa.^{3/} Under the mandate of the Assembly of Heads of State or Government of the Organization of African Unity, a delegation of five African States, led by the President of the Republic of Zambia, visited several States in October to prevail upon those Governments to stop selling arms to South Africa and also to stop assisting in the manufacture of arms in South Africa.

On 13 October 1970, on the eve of the Organization of African Unity mission, the General Assembly, in resolution 2624 (XXV), adopted by 98 votes to 2, with 9 abstentions, called upon all States "to take immediate steps to implement fully the provisions of Security Council resolution 282 (1970)".

^{2/} S/PV. 1546, pp. 11-12 and S/PV.1549, p. 17

^{3/} For texts of resolutions, see document A/SPC/L.181.

In communications to the United Kingdom Government and at the meeting of Commonwealth Heads of Government in Singapore in January 1971, most of the Commonwealth Governments were reported to have opposed the supply of military equipment to South Africa.

Meanwhile, widespread opposition to the supply of arms to South Africa was expressed by international non-governmental organizations and world public opinion, including opinion in the United Kingdom itself.

During this period, some progress in the implementation of the arms embargo has been reported, notably the decision of the Government of Canada to strengthen the embargo.

On the other hand, supplies of military equipment to South Africa from other States are reported to be continuing. Moreover, the United Kingdom Government announced on 22 February 1971 its intention to issue export licences for the sale of Wasp helicopters to South Africa and to continue licensing the export of certain spare parts.

All available reports concerning the supplies of arms and military equipment to South Africa by other States, and related developments, are summarized in section I.

Recent South African statements and reports concerning the military build-up in South Africa are reviewed in section II.

Available information concerning other military co-operation with South Africa is reviewed in section III.

I. REVIEW OF DEVELOPMENTS CONCERNING THE SUPPLIES
OF ARMS AND MILITARY EQUIPMENT TO SOUTH AFRICA
BY OTHER STATES

A. Belgium

The representative of Belgium stated in the Special Political Committee of the General Assembly that Belgium had complied with the relevant Security Council resolutions of 1963 and 1964 and was adhering to resolution 282 (1970).^{1/}

B. Canada

The Secretary of State for External Affairs of Canada announced on 2 November 1970 that the Canadian Government had completed a review of its policy with regard to the arms embargo against South Africa in the light of Security Council resolution 282 (1970). The Canadian Government had, he said, applied a general embargo on arms exports to South Africa since 1963. Exceptions had been made, however, to allow for shipment of maintenance spares for equipment supplied before the Security Council resolutions of 1963, as well as for the export of certain aircraft piston engines and spares for them. In the light of the review now completed, the Canadian Government had decided that, henceforth, the supply of all vehicles and equipment, and the supply of spare parts for all vehicles and equipment for use of armed forces and paramilitary organizations of the Republic of South Africa would be prohibited. In addition, certain aircraft piston engines and maintenance spares for such engines, previously exempt from the Government's application of the embargo, would no longer be supplied for military use by the armed forces or paramilitary organizations in South Africa.^{2/}

^{1/} A/SPC/SR.698, page 16. It may be recalled that in the note of 25 June 1970 by the Rapporteur (A/AC.115/L.279), reference had been made to sales of arms and ammunition by Belgium under agreements concluded before the implementation of the Security Council resolution of 7 August 1963.

^{2/} A/SPC/SR.714; A/8208.

C. Federal Republic of Germany

In response to General Assembly resolution 2624 (XXV), the Federal Republic of Germany informed the Secretary-General:

"... the Federal Government has also taken careful note of resolution 282 (1970) of the United Nations Security Council.

"This resolution aims at strengthening the arms embargo against South Africa. In view of the fact that it has put a total embargo against that country on weapons in accordance with the 1961 Law on the Control of Weapons of War, no further measures are required on the part of the Federal Government, which is 'implementing fully the arms embargo against South Africa unconditionally and without reservations whatsoever' [see resolution 282 (1970), paragraph 4 (a)].

"The goods and economic measures mentioned in paragraphs 4 (b) to (e) of resolution 282 (1970) do not come under the Law on the Control of Weapons of War, but under the Foreign Trade Law of 1961. Under that law, which is based on the Basic Law for the Federal Republic of Germany adopted in 1949 and on the liberal economic system embodied in it, the Federal Government refuses to grant export permits whenever a disturbance of the peaceful coexistence of nations is feared.

"Finally, no training is provided in the Federal Republic of Germany for members of the South African armed forces nor are there any other forms of military co-operation with South Africa (paragraph 4 (f))." 3/

Earlier, in a communication to the President of the Security Council,^{4/} the Permanent Observer of the Federal Republic of Germany stated:

"As has been stated on several occasions, the Federal Republic of Germany has faithfully and consistently observed the arms embargo against South Africa in compliance with the decisions of the Security Council. In particular there have been no supplies of war planes to South Africa by the Federal Republic of Germany nor are there any South African pilots being trained in the Federal Republic of Germany." 5/

3/ A/3208.

4/ S/9946.

5/ It may be recalled that in his report of 20 May 1970 to the Special Committee, the Rapporteur had noted that the Transall C-160 aircraft, obtained by South Africa, had been manufactured by a French-German combine.

Subsequent reports indicate that the aircraft has been jointly developed by French and German firms. Parts of the aircraft are manufactured in both countries while assembly is done separately in the two countries. As stated in the reports of the Special Committee, South Africa reportedly obtained supplies of this aircraft for the assembly plant in France.

The Rapporteur had also made reference to South African press reports that a team of South African pilots had visited the Federal Republic of Germany in 1969 for training. It may be noted that the communication from the Federal Republic of Germany constitutes a denial of these press reports.

D. France

France abstained in the vote on Security Council resolution 282 (1970) and General Assembly resolution 2624 (XXV), and has not yet reported to the Secretary-General on the measures it has taken in implementation of those resolutions. Relevant press and other reports are summarized below.

It may be recalled that, in 1967, the South African Government had placed an order in France for three Daphne-class submarines. The first of these submarines, Maria van Riebeeck, was formally handed over by French authorities to the South African Navy on 24 July 1970. It was soon involved in a collision with a French submarine and underwent repairs. According to press reports, the South African frigate, President Kruger, was to visit Toulon in March to take the submarine to South Africa under escort.^{6/}

The other two submarines, Emily Hobhouse and Johanna van der Merwe, were launched by July 1970 and are to be handed over to the South African Navy in due course.

Crews for the three submarines have been undergoing training in France. Lieutenant-Commander Victor Holderness was reported to have completed training in France as a submarine commander and to have returned to South Africa to help prepare the new submarine base at Simonstown.

The President of France was reported to have assured the Organization of African Unity mission on 21 October 1970 that the Government of France would embargo further sales to South Africa of arms which could be used against guerrillas, and that helicopters and armoured cars could enter into that category. President Kaunda of Zambia, leader of the mission, was reported to have told a press conference on that day that the decision was "a step in the right direction".^{7/}

Press reports recalled that France had earlier supplied Alouette and Super Frelon helicopters to South Africa and that French Panhard armoured cars were being manufactured under licence in South Africa. They noted that the decision

^{6/} Rand Daily Mail, Johannesburg, 22 February 1971.

^{7/} The Star, daily, Johannesburg, 22 October 1970.

In a comment on this statement, the South African Minister of Defence, Mr. P.W. Botha, told the press in Cape Town that South Africa did not buy light arms and light armoured vehicles from France.

did not cover larger aircraft or the "Cactus" missile or equipment for "external defence".

Mr. Denis Healey, former British Minister of Defence, was reported to have commented in a B.B.C. interview that the decision was politically important.

"... the South African Government has made it clear during the recent controversy that it planned to continue regarding France as its main supplier of armaments. This plan now, of course, is shot down in flames." 8/

The Times of London reported on 18 July 1970 that a spokesman of Breguet had disclosed that the company hoped to sell 20 Breguet Atlantic ER-1150 anti-submarine aircraft to South Africa. 9/

Flight International reported that the South African Government was negotiating to buy 50 to 100 Dassault Milan jet fighter aircraft, to supplement the 43 Mirage jets operated by the South African Air Force. Milan, based on the Mirage 5, was reported to be more suitable for use in ground-attack operations, as it has a shorter take-off requirement and has better control at low speeds. 10/ A South African Defence Force spokesman, however, said on 2 January 1971, that there was no substance to this press report. 11/

On 12 February 1971, the African regional office of the International Confederation of Free Trade Unions in Lagos was reported to have stated that secret negotiations were going on in Paris for the supply of French military aircraft valued at more than 70 million pounds sterling to South Africa. Quoting its sources in Paris, it said that the negotiations had reached the final stages and awaited approval by South African and French Governments. 12/

8/ The Star, daily, Johannesburg, 22 October 1970. He added that the immediate practical consequence would be the refusal to supply more helicopters after present agreements were fulfilled. Helicopters were lost in normal training at quite a high rate compared with fixed-wing aircraft, and it was very difficult to develop the technology to produce effective helicopters in South Africa.

9/ This aircraft was built under the NATO programme: France, Federal Republic of Germany, Italy, Netherlands and Belgium took part in the development. Ibid. One of these aircraft was reported to have arrived in South Africa in 1970 for demonstrations and another arrived in Cape Town, 25 February 1971. Ibid., 24 February 1971.

10/ The Star, weekly edition, Johannesburg, 2 January 1971.

11/ Ibid.; Daily Telegraph, London, 25 January 1971.

12/ Reuters, 12 February 1971.

The United Kingdom Secretary of State for Foreign and Commonwealth Affairs, Sir Alec Douglas-Home stated in the House of Commons on 22 February 1971, that a French firm had sold Puma military helicopters to South Africa in 1966 and that the former British Government had not objected.^{13/}

According to Le Monde of 9 March 1971, French Government spokesman indicated that France has no plans to cancel the existing contracts for the sale of helicopters to South Africa.

E. Italy

Italy reported in response to General Assembly resolution 2624 (XXV) that it was "scrupulously implementing the Security Council resolutions establishing an embargo on the sale of arms to South Africa".^{14/}

F. New Zealand

A public controversy has been reported to have arisen in New Zealand following a protest by the New Zealand Race Relations Council on the sale of an Airtourer light aircraft to a buyer in South Africa. Prime Minister Sir Keith Holyoake was reported to have declared in a letter to the Council's secretary, Mr. Tom Newnham, that Airtourer was an elementary training aircraft.

"It is no more a military aircraft than were the Tiger Moths which were used for training pilots in World War II.

^{13/} Daily Express, London, wrote on 25 February 1971:

"Mr. Denis Healey, the Shadow Foreign Secretary ... was party to the sale of helicopters to South Africa while he was Defence Minister in the Labour Government.

"These were troop carrying Pumas jointly made by Britain and France under a deal negotiated by Mr. Healey. France insisted on selling Pumas to South Africa and the Labour Government agreed.

"Since then more Pumas, which will be partly built in Britain, have been ordered by South Africa."

The Puma helicopters are also manufactured by Westland Helicopters of the United Kingdom which made the Wasp helicopters. The Times, London, 25 February 1971.

^{14/} A/C.208. It may be recalled that in the note of 25 June 1970 by the Rapporteur (A/C.115/L.279), reference had been made to press reports concerning assistance by Italian firms in the establishment of an aircraft industry in South Africa in 1965-1966.

"No Airtourer will be sold to the South African Air Force. Any further exports to South Africa, and I know of none in prospect, will be carefully screened to ensure that they are needed for non-military use." 15/

In reply, Mr. Menzies stated that the makers of Airtourer advertised it as being suitable for counter-insurgency operations. It was, he added, the type of aircraft that South Africa's Air commandos required. 16/

G. Switzerland

In response to General Assembly resolution 2624 (XIV), Switzerland reported to the Secretary-General:

"In December 1963 the Swiss Confederation prohibited the export of war materials to the Republic of South Africa. Since that time no licence has been issued for the export of war materials to that country." 17/

On 23 November 1970, several officials of the Swiss firm, Oerlikon-Buehrle, were charged in a Lausanne court with illegal export of arms to South Africa and six other countries. It was alleged that arms supplied to South Africa worth \$5.4 million included 28 twin 35-mm. anti-aircraft cannon and 216,000 rounds of ammunition. It was further alleged that destination certificates purporting to show that the arms had been sold to France, for use by the army there, had been obtained from officials of the French Defence Ministry.

According to press reports, Mr. Gabriel Lebedinsky, former armaments sales director of the company, admitted that he had ordered exports on the basis of false documents and that he had talks with South Africans. Mr. Alexandre Gelbert, former assistant sales director, said that his French contacts had told him that they were supplying large quantities of arms to South Africa and were ready to help his firm to do so as well.

Dr. Dietrich Buehrle, the chairman and managing director of the company, testified that he had approached the Swiss Foreign Minister, after the embargo of December 1963, to soften the Swiss stand against the South African régime. After his representations failed, he said, he had lost interest in the South African order, and did not learn of the sale until 1965. Meanwhile, one of his seventy subsidiary companies had erected a plant in Italy which effectively side-stepped the embargo.

15/ Cape Times, 12 January 1971.

16/ Ibid.

17/ A/3208.

On 30 November 1970, Mr. Gabriel Lebedinsky was sentenced to imprisonment for eighteen months. Dr. Dietrich Buehrle was given a suspended sentence of eight months and fined \$4,600.^{18/}

H. United Kingdom

It may be recalled that in his note of 20 May 1970, the Rapporteur drew the attention of the Special Committee to the fact that Conservative Party leaders and certain business interests in the United Kingdom continued to press for a resumption of arms supplies to South Africa.^{19/} The Conservative Party came to power in June 1970 and the new Government soon indicated its intention to sell military equipment to South Africa.

As noted earlier, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs stated in the House of Commons on 20 July 1970 that it was the intention of his Government to consider within the context of the Simonstown Agreement of 1965 "applications for the export of certain limited categories of arms, so long as they are for maritime defence directly related to the security of the sea routes". He added that the final decision would be taken only after further consultations with the Commonwealth Governments and South Africa.

Despite the Security Council resolution 282 (1970) and General Assembly resolution 2624 (XXV), the opposition of most of the Commonwealth States, and the condemnation by the Organization of African Unity and the Third Conference of Non-aligned Countries, as well as the widespread opposition of public opinion in the United Kingdom and internationally, the United Kingdom Government announced on 22 February 1971 its decision to issue licences for the export of a number of Wasp helicopters to South Africa. It claimed that the supply of these helicopters was required in view of legal obligations under "Simonstown Agreements". Moreover, it declined to undertake not to supply any military equipment not covered by such "legal obligations".

The reactions to the intentions expressed by the United Kingdom Government in June-July 1970, and to the announcement of 22 February 1971, and a number of related developments, are briefly reviewed below.

^{18/} The Times and the Daily Telegraph, London, 24 November 1970; Rand Daily Mail, Johannesburg, 1 December 1970.

^{19/} Unit on Apartheid, "Notes and Documents", No. 17/70, page 13.

1. Opposition to the intention to supply maritime equipment to South Africa

The intentions expressed by the United Kingdom Government provoked widespread opposition. Opposition of the international community to any breach of the arms embargo was reflected in resolutions of the Security Council and the General Assembly adopted by overwhelming votes, in resolutions of the Organization of African Unity and the Third Conference of Non-aligned Countries, in statements of most Commonwealth Governments, and in declarations by many other Governments, opposition was also expressed by numerous non-governmental organizations, including the International Confederation of Free Trade Unions, the World Federation of Trade Unions and the World Council of Churches.

In the United Kingdom, opposition to the sale of arms to South Africa developed into a momentous campaign, joined among others by the Labour Party, the Liberal Party, the Archbishops of Canterbury and York and one hundred Anglican bishops, the British Council of Churches, the Methodist Conference, trade unions, the Anti-Apartheid Movement and the Africa Bureau, as well as numerous prominent individuals. According to press reports, retired military leaders (such as Vice-Admiral Sir Ian McGeough and Rear-Admiral Sir Anthony Buzzard) and some prominent businessmen also expressed opposition. The intention of the Government was condemned not only as a violation of United Nations resolutions, but also on moral, strategic and other grounds.

It was reported that about forty Conservative Party Members of Parliament had expressed the view that no arms should be sold to South Africa, beyond any legal obligations under the Simonstown Agreements of 1955, which could jeopardize the security of independent African States.^{20/}

Over 50,000 persons signed a petition sponsored by the Anti-Apartheid Movement opposing the arms sales. The Action Committee against Racism, led by Mr. Peter Hain, announced that it would mount a militant and sustained campaign to stop the supply of arms to South Africa, particularly by non-violent action at industrial plants concerned.^{21/}

^{20/} The Observer, London, 21 February 1971.

^{21/} London Daily Mail reported on 27 July 1970 that Scotland Yard's Special Branch had formed a task force to investigate groups which advocate sabotage. It added: "Operating clandestinely in Britain, while the protest movement makes its plans and Scotland Yard prepares for a new onslaught, is a third body - agents of the South African Police. These detectives have entered offices of anti-apartheid and African revolutionary movements and have taken away files of supporters' names."

A mass rally in Trafalgar Square on 24 October 1970 on the theme "Stop Arms for Apartheid", organized by the Anti-Apartheid Movement, was supported by a large number of organizations, including: (a) No Arms for South Africa Campaign, led by Dr. Ian Ramsey (Bishop of Durban) and including among its sponsors the Archbishop of York, the Bishops of London, Stepney, Chichester and Southwark, Jeremy Thorpe, Richard Burton, Elizabeth Taylor, Benjamin Britten and others; (b) International Defence and Aid Fund, led by the Reverend Canon L. John Collins; (c) the United Nations Association; (d) the Student Christian Movement; (e) the National Union of Students; (f) the United Nations Student Association; (g) the Movement for Colonial Freedom, led by Lord Brockway; (h) the Communist Party of Great Britain; (i) the National League of Young Liberals; (j) the Action Committee against Racism; (k) War Resisters International; (l) the British Peace Committee; (m) Africa Bureau; and (n) the Liberal Party.^{22/}

The Labour Party National Executive, on 24 June 1970, warned the Government "of dangerous consequences which would result from implementing the Conservative Party's pledge to resume arms sales to South Africa. Such action would place Britain firmly in the camp of the white racist régimes of Southern Africa, endanger the Commonwealth and flout the authority of the United Nations". It moved a motion of censure in the House of Lords on 15 July 1970 and a motion in the House of Commons on 22 July calling on the Government to abandon its intention to authorize the sale of arms to South Africa. It declared:

"In Opposition, as in power, the Labour Party will oppose arms sales to South Africa. In the Commons and in the country at large, it will bring home the short-sighted folly of abandoning Labour's policy.

"It will continue to argue that if the world is to live at peace and not be convulsed by the tragedy of racial conflict, Britain must play a responsible role, aimed at bringing peaceful solutions to human problems.

"Such solutions will not be found by ignoring the U.N. - the World Forum - by worsening relations with the two-thirds of the world which is non-white or by appearing to support the evil ideology of South Africa."^{23/}

The Labour Party also organized a protest meeting in Trafalgar Square in September 1970.

^{22/} Sunday Times, London, 24 October 1970.

^{23/} Talking Points, London, 14 August 1970.

On 12 January 1971, the International Committee of the Labour Party's National Executive adopted a resolution in which it declared:

"It believes that the legal advice given to the last Labour Government was correct: there remains no legal obligation for Britain to sell arms to South Africa under the Simonstown Agreement.

"Such arms sales would defy the authority of the United Nations, weaken the Commonwealth and align Britain with the White racist regimes of Southern Africa.

"The Labour Party reaffirms, therefore, that the next Labour Government will repudiate any arms agreement made with South Africa." 24/

The opposition was so widespread that Mr. Patrick Wall, M.P., a leading protagonist of the arms sales, referred on 14 November 1970 to "this formidable opposition" and noted that "the mass media, the Civil Service and the universities are combining against the supply of any arms."25/

2. Disclosures on arms supplies under the previous Government

In defence of its intentions, the United Kingdom Government claimed that other countries freely sold arms to South Africa,^{26/} and that the previous Government had authorized or not objected to supplies of various types of military equipment.

It may be recalled that the Special Committee had repeatedly pointed out the exceptions made in the implementation of the arms embargo by the United Kingdom between 1964 to 1970, and had called for full implementation of the embargo by all States. During the recent discussions, further information was disclosed on this matter.

During the debate in the House of Commons on 23 July 1970, the Secretary of State for Foreign and Commonwealth Affairs disclosed that the previous Government had "authorized the Atomic Energy Authority to place a plant in South West Africa (Namibia) for the manufacture of uranium".

24/ Financial Times, London, 13 January 1971.

25/ The Observer, London, 15 November 1970.

26/ For instance, the Secretary of State for Foreign and Commonwealth Affairs said during the debate in the House of Commons on 23 July 1970: "France, Germany and Italy have all sold arms."

British press reports also disclosed that in March 1970, the United Kingdom Government had agreed to the sale to South Africa of a mortar-locating radar device, Cymbeline, considering it a defensive weapon. The device was still under development by E.M.I. Electronics and none of the machines had yet been shipped.^{27/}

3. Arms and equipment sought by the South African Government

While the United Kingdom and South African Governments did not disclose the categories of military equipment and supplies which the South African Government has sought to obtain from the United Kingdom, press reports have referred to a large variety of weapons and ammunition which might be under consideration. These include: Sea Dart, Rapier and Bloodhound missiles; Jaguar Anglo-French trainer aircraft; Nimrod anti-submarine aircraft; Buccaneer aircraft; Wasp helicopters; frigates; Corvette patrol boats; and naval shells.^{28/}

A group of seventeen Conservative Members of Parliament, belonging to the "Monday Club" which has incessantly pressed for arms supplies to South Africa, released a "fact sheet" to the South African press on 6 January 1971 indicating that British arms sales to South Africa would probably be in the order of £250,000,000.^{29/}

South African Government spokesmen, on the other hand, have tried to minimize the requirements in order to avoid increasing opposition. Moreover, especially in view of the warnings that any commitments by the present Government may not be honoured by its successor, they stressed that South Africa did not intend to switch its military orders entirely to the United Kingdom. Finally, they laid special emphasis on their desire to expand production in South Africa.

For instance, the South African Minister of Defence, Mr. P.W. Botha, declared on 10 July 1970 that South Africa would proceed to become as self-supporting as possible in the production of arms. He welcomed know-how from other countries, but said that the Government must have a proper share in the production. He added:

^{27/} Sunday Times, London, 11 October 1970. Though the machine is not an offensive weapon, it can be used against guerrilla forces. Ibid.

^{28/} London Times, 4 August 1970.

^{29/} The Star, daily, Johannesburg, 7 January 1971.

"... as a result of arms embargos from certain quarters, it will not be practicable to change planning already accepted and proceeded with in many directions." 30/

Daily Telegraph, London, reported on 12 October 1970 that South Africa would encourage Britain's shipyards and arms firms to "set up shops" in South Africa.

Other press reports indicated reasons why South African orders in the United Kingdom were likely to be limited at this stage. The Times of London reported from Cape Town on 4 August 1970 that shortages of both money and manpower for defence limited South Africa's capacity to purchase arms and also to fulfil her side of the Simonstown agreements.

"The Navy has a permanent strength of 5,000 men, with more than 1,000 others under national service training. These men are expected to man a listed strength of two destroyers, six frigates, 12 mineweepers, 11 coastal defence vessels and other miscellaneous ships. To put all these to sea at the same time would require 1,500 men for the crews alone, without taking account of those needed in maintenance, logistics, administration and training ashore.

"Another 140 men will be needed in all to man the three French Daphne class 100-ton subminers to be delivered here this year and next year - South Africa's first such boats. But with nearly half the listed tonnage in hulls, the rest is left to defend nearly 3,000 miles of coastline and up to 16 million square miles of ocean, as defined in the agreement ... In an emergency of course, the moth-balled ships would be manned by reservists. The size of the naval reserve is not revealed, but it is certainly not large.

"Thus the Government here is rapidly losing interest in buying frigates, each of which has a crew of about 175, and is taking a very keen interest in buying a modern version of the corvette ... This would demand half the number of men, and might cost as little as \$1 million or \$2 million with the sophisticated armaments South Africa would want.

"However, the most important item on the list, and when it is presented, will be a handful of Harolds ...

"Other naval helicopters will also be considered as these too are most valuable in anti-submarine work."

It added on 25 January 1971:

"... informed sources have indicated throughout that South Africa's main interest lies in a public reaffirmation of the Simonstown naval agreement, her sole formal defence understanding with another country.

30/ South African Digest, Pretoria, 17 July 1970. See also section III below.

"They implied that a decision by Britain in favour of arms sales would do no more than add another name to South Africa's list of potential suppliers of the weapons she cannot make herself."

Daily Telegraph, London, reported on 16 February 1971 that the South African indications to the United Kingdom of its requirements were limited to corvettes, Wasp helicopters, Nimrod and Buccaneer aircraft and equipment for the frigates, totalling orders of a value much less than had been anticipated in earlier press reports, largely because of a balance of payments deficit and an acute manpower shortage. It added:

"Far more than weapons, the South Africans want closer co-operation with Britain over the defence of the Cape route. In fact, Mr. Vorster told Parliament that he particularly welcomed Britain's new attitude that it was as necessary to observe the 'spirit' of the Simonstown Agreement, as the 'letter'.

"At its simplest the Government, and especially the British-oriented navy chiefs, want Simonstown to recapture its past importance. They want to get back to the old pre-Wilson days of frequent exercises between the British and South African fleets, meetings at top Service level, and more exchanges of information and specialists. They would even like to see British shipyards setting up shop in South Africa.

"The South Africans believe that by thus observing the 'spirit' of the agreement, it becomes difficult to avoid observing the 'letter' of it. And the 'letter' of it, is, of course, spares from spanners to depth charges, modern corvettes to replace ageing and tired frigates, some sophisticated missiles, and other weapons such as helicopters.

"Some of the equipment could be promptly obtained from Britain once Mr. Heath had given the go-ahead on arms sales. But items such as corvettes would have to be specially made and probably could not be delivered for four years."

4. Meetings of Commonwealth Heads of Government, 14-22 January 1971

At the meeting of the Commonwealth Heads of Government in Singapore in January, a great majority of members were reported to have expressed strong opposition to the supply of any arms to South Africa.

According to press reports, Prime Minister Heath argued that the United Kingdom had "a degree of legal liability" to sell "maritime equipment" to South Africa, and that there were also "reasons of practical common sense". He added:

/...

"We are ready to narrow to the minimum the items we feel we must be ready to supply, but it is more difficult for us to accept that we should supply no arms at all."

After lengthy discussions, the Conference agreed to set up a study group on the security of sea lanes in the Indian and Atlantic Oceans, but the United Kingdom insisted on reserving the right to take such action as it considered necessary to give effect to its global defence policy.

The communiqué of the Conference read:

"Heads of government considered the factors affecting the security of maritime trade routes in the South Atlantic and Indian Oceans, which are of vital importance for a large number of Commonwealth countries.

"They decided to set up a study group, consisting of representatives of Australia, Britain, Canada, India, Jamaica, Kenya, Malaysia and Nigeria, with instructions to consider the question further and report to them through the secretary-general as soon as possible.

"In agreeing to participate in this study, the British Prime Minister did so on the following basis:

"(1) The British Government, while taking full account of the views expressed by other members of the Commonwealth, retains its right to take such action as it considers necessary to give effect to its global defence policy, in which the facilities at Simonstown constitutes an important element.

"(2) The British Government is bound, if requested, to carry out its legal obligations to the South African Government under the Simonstown agreements on which the availability of those facilities depends. The nature and extent of these obligations were explained to the conference.

"(3) The British Government has received from the South African Government an assurance that the South African Government has no aggressive intentions and that it will not use any items of maritime equipment supplied by the British Government for purposes other than those for which they have been supplied. In the event of any breach of the assurance, the British Government would refuse further supplies of equipment and spares to the South African Government."

Several Commonwealth Governments were reported to have expressed the view that the United Kingdom Government should withhold any decision on arms supplies to South Africa until the study commission had completed its work.

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5. White Paper on legal obligations under the Simonstown Agreements

In a White Paper tabled in Parliament on 4 February 1971, the United Kingdom Attorney-General, Sir Peter Rawlinson, and Solicitor-General, Sir Geoffrey Howe, gave the opinion that, under the Simonstown Agreements, the United Kingdom Government had the obligation, if requested by the South African Government, to permit the supply of the following arms for the South African maritime forces:

"(1) such number of Westland Wasp helicopters as is necessary to equip the three anti-submarine frigates supplied under the Sea Routes Agreement with their initial complement (together with reserves) of Westland Wasp helicopters;

"(2) such replacements of the initial equipment and stores and base reserves for all the vessels supplied under the Sea Routes Agreement, and such other equipment for these vessels, as is necessary to keep the vessels efficient for the purpose of carrying out the objects of the Agreement." ^{31/}

On the broader question of whether the United Kingdom was obligated to provide further arms, the law officers concluded: "it would not be reasonable ... to impute to the parties an intention to include a term in the Sea Routes Agreement which would place any general and continuing legal obligation on Her Majesty's Government to permit the supply of arms to the South African Government". ^{32/}

The Labour Party did not accept this opinion which was contrary to the advice given by the legal officers of the previous Government. ^{33/} Mr. Denis Healey commented that the key finding of the White Paper was the advice that the United Kingdom had no continuing legal obligation to supply arms to South Africa. The dispute narrowed down to whether the obligation to supply Wasp helicopters had been fully discharged with the delivery of the four which the previous Government had authorized in 1966. He claimed:

"The documents published in the White Paper show with what meticulous care the Labour Government carried out the United Nations arms embargo while fulfilling the limited but inescapable obligations it inherited from its Conservative predecessors." ^{34/}

^{31/} Cmd. 4589. Legal obligations of Her Majesty's Government arising out of the Simonstown Agreements.

^{32/} Ibid.

^{33/} Statement by Mr. Harold Wilson, M.P., in the House of Commons, 22 February 1971.

^{34/} Daily Telegraph, London, 5 February 1971.

Other comments noted that the law officers had not taken into account the legal obligations of the United Kingdom Government under United Nations resolutions.^{35/}

6. Allegations of South African violation of Simonstown Agreements

Meanwhile, questions have been raised as to the implementation of the Simonstown Agreement by South Africa.

The International Defence and Aid Fund, London, charged on 2 February that the South Africa Government had violated clause 4, paragraphs (a), (b) and (c), of the enclosure of the Simonstown Agreement relating to the terms of the transfer of the Simonstown base which stipulated that there should be no ban on recruitment and employment of non-Europeans; that there should be no discrimination based on colour in the rates of pay for comparable work; and that non-Europeans, once recruited, would have the same security of tenure as Europeans. The Fund pointed out:

"Simonstown is under the control of the Port and Harbours Administration which operates a discriminatory labour policy.

"Job reservation is strictly applied so that Coloured dockers are not eligible for skilled work. If there is insufficient labour a Coloured may be employed at a lower rate as the job is down-rated."

It added that in 1960, South Africa had abrogated the right of Coloured people to security of tenure by proclaiming Simonstown a white "group area". This proclamation uprooted hundreds of families which had to move to Dlangkop, ten miles away, from where workers had to pay one third of their wages in transport.^{36/}

The Guardian commented on 5 February 1971:

"The Transfer Agreement is a treaty, just like the Sea Routes agreement and just as binding. If Mr. Heaton, who truly hates apartheid, wants to be consistent as well as bold he ought only to supply the helicopters if Mr. Vorster abolished apartheid in at least one small part of his unhappy country."

^{35/} See, for instance, the letter by Mr. Geoffrey Fink, J.C., in the Times, London, 15 February 1971.

^{36/} Guardian, London, 7 February 1971.

In reply to questions in the House of Commons on 22 February 1971, the United Kingdom Government stated on the basis of information obtained by its ambassador from the South African Department of Foreign Affairs, that the South African Government complied with the conditions laid down in the Simonstown Agreements.

Press reports, however, indicated continued racial discrimination in Simonstown.^{37/}

7. Announcement of 22 February 1971 concerning export licences for Wasp helicopters

In reply to a question on 22 February 1971, the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, Sir Alec Douglas-Home, told the House of Commons:

"No orders relating to any new arms deal have been received (from South Africa). In response to an enquiry, however, Her Majesty's Government have informed the South African Government that if orders are placed for Wasp helicopters we will, according to our legal obligations, issue export licences at the appropriate time. Her Majesty's Government are also continuing the practice of the previous administration in licensing the export of certain spare parts."

In answer to a supplementary question as to whether the Government did not intend to go beyond their legal obligations, he stated:

"As regards any further sales to South Africa, we must reserve our own judgment and judge this matter in relation to British interests at a future date".

On the same day, the South African Minister of Defence, Mr. P.W. Botha, told the House of Assembly:

"Following an exchange of views between the British Government and the South African Government, the British Government has informed the South African Government that an export licence for Wasp helicopters would be made available should an order be placed.

"The South African Armaments Board will accordingly take the necessary steps to place an order for seven Wasp helicopters for the South African Navy."

^{37/} See, for instance, Colin Wilson, "Not all the local girls love these sailors", in The Observer, London, 21 February 1971.

The South African Government was reported to have placed an order for seven Wasp helicopters, an hour after the United Kingdom announcement.

At the request of the Opposition Labour Party, the House of Commons debated the Government's decision on 3 March. The Government rejected the motion of the Labour Party that it pledge not to sell any more arms to South Africa. The Secretary of State for Foreign and Commonwealth Affairs stated:

"The Conservative Government's policy has been consistent ever since the inception of the Simonstown Agreement. When a resolution was passed in the Security Council calling upon states to ban arms to South Africa - a resolution which the Opposition always forget to say is non-mandatory - the Conservative Government of the day explicitly reserved the right to sell arms for external defence.

"Later we narrowed the definition of the external defence of the sea routes. That is the context in which we intend to reserve our complete freedom of action."

8. Reaction to the announcement

(a) In the United Kingdom

The Labour Party, as indicated earlier, opposed any further sales of arms to South Africa. It stated, in its motion in the House of Commons on 3 March, that the decision "has caused jubilation among the supporters of apartheid, and has jeopardized the eight-Power Commonwealth study group on the Indian Ocean". It called on the Government "to demonstrate that this is not the thin end of the wedge, by announcing that it will supply no arms to South Africa excepting those it has a legal obligation to supply".

It was also reported that about forty Conservative Members of Parliament were opposed to any sale of arms to South Africa beyond the legal obligation defined in the White Paper.^{38/}

Several newspapers felt that the Government intended to proceed with piece-meal sales of military equipment in order to diminish adverse reaction in the Commonwealth. They called on the Government to refrain from any supplies of arms beyond the legal obligations.

^{38/} Guardian, London, 24 February 1971.

Financial Times commented on 25 February:

"The objections to this sale remain what they have always been; and though they are softened by the Government's arguments about its 'legal obligations to South Africa' they are not removed. The legal case is by no means watertight and, indeed, the Government has never based its arguments primarily upon legality. The real argument is about the balance of advantages, the Government claiming that its strategic needs in the Indian Ocean and its domestic credibility are overriding, and its critics maintaining that the preservation of the Commonwealth and Britain's standing as an opponent of racialism are more precious."

The Guardian commented on the same day:

"But until the Government says openly that it will sell only these helicopters and no other arms, it is equally possible that Sir Alec's statement is part of a policy of using salami tactics, in the hope that opposition to the arms sales will slowly fizzle out ... The white minority sees the arms as a symbolic mark of Britain's alignment on their side in their struggle against the United Nations."

(b) In South Africa

The Times of London reported on 25 February:

"Both Government and Opposition supporters (in South Africa) were united in their enthusiasm for the British Government's decision to sell the Wasps."

"Many saw this concession as the thin end of the wedge and felt that now the British Government had taken the first step, it would be that much easier for it to allow the purchase of other categories of weapons."

A despatch from Cape Town in the Guardian of 25 February stated that the Government and Opposition in South Africa "attach more significance to the honouring of the Simonstown Agreement, and to its recognition as an important instrument in the defence of the Cape sea route, than to the supply of the Wasp helicopters".

"South Africa wants aircraft, vessels, and other equipment for its navy."

"But most important, it wants political acceptance and to break out of its political and military isolation. It attaches immense importance, therefore, to the Simonstown Agreement as an instrument for securing its restoration to the international community as an acceptable and valuable anti-Communist."

South African newspapers were reported to have emphasized that the Defence Force was keen to purchase Winrod aircraft. Die Burger of Cape Town commented:

/...

"It will not stop at Wasps if Mr. Heath sticks to his course, because a handful of Wasps is not worth the large political risks ...

"There can be no doubt that the limited step will be seen, and is meant, as the beginning of fuller military co-operation between Britain and South Africa, which Mr. Heath regards as in Britain's interest." 39/

(c) In other countries

On 22 February, a spokesman of the External Affairs Ministry of India said that if the United Kingdom were to decide to supply any arms to South Africa before the study group set up by the Commonwealth Prime Ministers' Conference had completed its work, "the functioning of the study group would be rendered infructuous, and this could have serious implications for the very existence of the Commonwealth".^{40/} On 1 March, India announced withdrawal from the study group.

Also on 22 February, the External Affairs Minister of Canada, Mr. Mitchell Sharp, told the House of Commons that his Government hoped that the United Kingdom would not proceed with the sale of helicopters. The Canadian view continued to be that supplying armaments to South Africa would not promote the strength and unity of the Commonwealth.^{41/}

On 23 February, the Chief of State of Nigeria announced that Nigeria had decided to withdraw from the Commonwealth study group and that "other actions to be taken will be given serious thought".^{42/}

The Foreign Ministry of China described the United Kingdom decision as "one more affront to Africa, a violation of enlightened world opinion, and a deliberate contravention of the Security Council embargo".^{43/}

The Prime Minister of Sierra Leone was reported to have sent a message to the United Kingdom Prime Minister expressing "utter disappointment" and stating that the decision showed "complete indifference to our voices at the Singapore Conference".^{44/}

39/ Quoted in The Times, London, 24 February 1971.

40/ The Times, London, 23 February 1971.

41/ Daily Express, London, 23 February 1971.

42/ The Times, London, 25 February 1971.

43/ Ibid.; Guardian, London, 25 February 1971.

44/ Guardian, London, 25 February 1971.

President Kenneth Kaunda of Zambia was reported to have said on 25 February:

We are naturally very disappointed indeed. Nevertheless, we are hoping here that the stand taken by the United States and Canada may, perhaps, change things.

"If this does not happen and if the British Government goes ahead and sells arms, the deliveries will take place, I understand, in about eighteen months. The Zambian Government, naturally, reserves its right to take action then ...

"It has been a great shock to me. Let us wait and wait until the deal is done." 45/

A spokesman for President Seretse Khama of Botswana was reported to have said that the concern of his Government was heightened by the refusal of the United Kingdom Government to give any assurance that no further arms supplies were contemplated. 46/

A spokesman of the Organization of African Unity was reported to have stated on 23 February that the British decision was an "affront to free Africa". 47/

(d) At the United Nations

Statements deploring the decision of the United Kingdom Government and calling for a full implementation of the arms embargo against South Africa have so far been issued by the Secretary-General, the Special Committee on Apartheid, the Council for Namibia, the Commission on Human Rights and the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

I. United States of America

The United States of America informed the Secretary-General in response to General Assembly resolution 2624 (XXV):

"The basic purpose of General Assembly resolution 2624 (XXV) is expressed in its operative paragraph 1, which calls for the full implementation of Security Council resolution 282 (1970). As a permanent member of the Security Council, the United States had occasion to express its views on resolution 282 (1970) at the time of its adoption. The United States was

45/ Daily Telegraph, London, 26 February 1971.

46/ Rand Daily Mail, 25 February 1971.

47/ Guardian, London, 24 February 1971.

/...

forced to abstain on the resolution when it was put to the vote in the Council, and the United States representative specifically stated that the resolution's more sweeping provisions went beyond the limits to which the United States Government can commit itself. The United States representative on the Council did, however, reaffirm the United States intention to abide by its own arms embargo against South Africa, unilaterally established in 1962 and strengthened in 1963. This prohibits the sale of any military equipment to South Africa subject only to the United States honouring existing contracts and its right to interpret its policy in the future in the light of requirements for assuring the maintenance of international peace and security. The United States representative also reaffirmed, subject to the same reservations, the United States support for, and continued intention to comply with, the Council's arms embargo against South Africa as established in its resolutions 181 (1963), 182 (1963) and 191 (1964) in favour of which the United States had been pleased to vote. Current United States policy on this matter continues to be reflected in these statements by the United States representative on 23 June 1970 in the Security Council." 48/

Earlier, during the debate on apartheid in the Special Political Committee of the General Assembly, reference had been made to the continued supply by the United States to South Africa of spare parts for military equipment as evidence of failure to observe the arms embargo fully. Reference had also been made to a statement by Mr. David D. Nevson, Assistant Secretary of State for African Affairs, on 17 September 1970, in which he had stated:

"We, therefore, will continue to refuse to sell or license arms to South Africa. We do not intend to strengthen either its military capacity, or its capacity to enforce its own racial policies internally.

"There are inevitably borderline cases such as civilian type items. Since the embargo went into effect, we have reviewed such items on a case by case basis, taking account of all the facts and of the 1963 United Nations resolutions and the United States announcements. We have been urged in many cases to make decisions on the basis that other large industrial nations sell this or that type of equipment to South Africa. We have decided in these cases what to do and what not to do. In accordance with the principles of the embargo we do not, for example, license military aircraft or large transport aircraft for military use, but would consider licences for limited numbers of small unarmed executive civilian type aircraft. These planes are freely sold by other nations and will not strengthen South Africa's military or internal security capacity. We intend to continue to treat civilian type items in this way. Thus we will continue to give strong support to the arms embargo."

In reply, the representative of the United States of America stated that the deliveries to South Africa consisted entirely of spare parts, stemming from contracts entered into prior to the effective date of the embargo. Delivery of major items of military equipment under those contracts had long since been completed.^{49/}

He added, in connexion with the statement by Mr. Newson, that no licences for the exportation of the aircraft in question had yet been issued and any request for the purchase of aircraft would be thoroughly examined with the view to ensuring that the type and number of aircraft involved would be unsuitable for military purposes.^{50/}

^{49/} A/SFC/SR.696, page 6.

^{50/} A/SFC/SR.696, page 13.

II. RECENT SOUTH AFRICAN STATEMENTS AND REPORTS CONCERNING MILITARY BUILD-UP

During this period, the South African Government spokesmen have alternately emphasized the military strength of South Africa and its professed peaceful intentions. They stressed progress in production of military equipments in South Africa.

The Minister of Defence, Mr. P.W. Botha, said on 23 July 1970:

"South Africa must not be regarded as a country with an insatiable hunger for arms. We do not have 300 million rand or 500 million rand or 600 million rand just to buy wherever a market opens up, and we don't want these arms either."

He added that for the manufacture in South Africa of arms and ammunition, there were now 170 chief contractors and about 1,000 sub-contractors, supplying most of the country's needs. The present production programme made provision for the manufacture of 100 different types of arms for the Army, Navy and Air Force.^{1/}

Prime Minister Vorster referred in the House of Assembly on 14 September 1970 to allegations that weapons sold to South Africa would be used not only to oppress black people in South Africa but also to attack Black States such as Zambia and Tanzania. He claimed that if the intention was to oppress black people in South Africa or to attack neighbouring States, South Africa would not need a "biscuity's worth of gunpowder from any overseas country to be able to do so. We can manufacture all the arms for that purpose in South Africa, and we do in fact manufacture them". He declared that South Africa was prepared to enter into a non-aggression pact "with any Black State, irrespective of whether they are our immediate neighbours or Black States further up, such as Tanzania, Zambia and other States in Africa". But he added that South Africa would not tolerate two things.

"The first thing that we shall not tolerate is communist domination in southern Africa... The second thing is that we shall fight terrorism not only in our country but in any other country in Africa where the Government requests us to do so."

^{1/} House of Assembly Debates Hansard, 23 July 1970, col. 297.

If "terrorists" were to invade South Africa "from certain countries with the permission of those countries, we shall resist them. If they take to flight we shall chase them and do so right into those countries from which they came."^{2/}

The Minister of Community Development, Mr. Blaar Coetzee, boasted at a Nationalist Party meeting in September 1970 that even if the whole of black Africa attacked South Africa "we would eat them up before breakfast".^{3/}

The Minister of Defence, Mr. P.W. Botha, told a Nationalist Party meeting on 24 October that South Africa manufactured enough arms and ammunition to defeat any "terrorist" attacks. South Africa, he said, manufactured all the guns and light tanks for its army. It manufactured all the ammunition required by the Army and Air Force and most of the ammunition needed by the Navy. The country was able to manufacture its own napalm bomb and possessed sufficient helicopters. Plans were under way to extend the capabilities of the Atlas Aircraft Corporation, where Impala jet trainers are made.^{4/}

The Times of London reported on 23 December 1970, quoting well-informed sources in Mozambique, that the South African Government had at least twice offered ground and air units for Portuguese military campaigns in Angola and Mozambique.

The State President of South Africa, Mr. J.J. Fouché, said in his statement opening Parliament on 29 January 1971 that no substantial expansion in the Defence

^{2/} House of Assembly Debates (Hansard), 15 September 1970, cols. 4207-8. This offer of a non-aggression pact, coupled as it was with the declaration of a military role in the whole of Southern Africa and beyond, and threats against States which assist freedom fighters, evoked rejections from many African States. Even the Johannesburg Star (weekly edition, 26 September 1970) commented that "some indications of non-aggression towards South Africa's own citizens would have added to the value of this offer".

^{3/} The Star, weekly edition, Johannesburg, 26 September 1970.

^{4/} Sunday Times, London, 25 October 1970; The Star, weekly edition, Johannesburg, 31 October 1970.

Force was envisaged during the next decade, unless this was rendered necessary by unforeseen circumstances. But he added:

"Production of military equipment will cover an ever-widening field to the benefit of the country's general economy, the expansion of our industries and to making us less dependent on the outside world."

Meanwhile, the Auditor-General's report on the Armament Board disclosed that South Africa had spent 53,161,578 rand (\$74,426,209) on the procurement of armaments in the 1969-70 financial year.^{5/}

^{5/} Rand Daily Mail, Johannesburg, 24 February 1971.

III. OTHER REPORTS CONCERNING MILITARY CO-OPERATION BETWEEN SOUTH AFRICA AND OTHER STATES

Press reports during this period indicated that foreign warships continued to visit South African ports.

Two Dutch frigates visited Cape Town in July 1970 on a world flag-showing cruise. It was reported that the frigates stayed for four days as planned, after the South African Government expressed regret for the cases of discrimination against their non-white crew members.^{1/}

A squadron of three minesweepers of the South African Navy were reported to have gone to Lourenco Marques in July 1970 on a routine goodwill visit, accompanying South African yachts taking part in a regatta.^{2/}

United Kingdom and South African warships took part in joint anti-submarine exercise west of the Cape in August 1970. Two British frigates, two British submarines, two South African frigates and South African maritime group aircraft took part in the exercises.^{3/}

An Italian frigate, Carabinieri, was reported to have visited Durban for four days in January 1971 for rest and recreation for the crew.^{4/}

The Rand Daily Mail reported on 22 February 1971 that the South African frigate, President Kruger, was on a rare flag-showing visit to selected European ports. It had visited Lisbon and was understood to have gone on to Gibraltar on its way to Toulon to escort a South African submarine built in France.

^{1/} Before the arrival of the frigates, the South African Navy liaison officer in Cape Town had informed the press that the fifteen Indonesian, West Indian and Indian crew members would be regarded as whites, provided they were in uniform. However, the non-white sailors had been refused service at two restaurants. Rand Daily Mail, 22 July 1970.

^{2/} Southern Africa, London, 1 August 1970.

^{3/} South African Digest, Pretoria, 31 July 1970; The Times, London, 4 August 1970.

^{4/} Cape Times, 26 January 1971.



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NOTE ON DEVELOPMENTS CONCERNING ~~THE~~ IMPLEMENTATION OF
THE ARMS EMBARGO AGAINST SOUTH AFRICA

Addendum

Rapporteur: Mr. Uddhav Deo PHATT (Nepal)

On 15 March 1971, the press from London reported that a group of British firms headed by the British Aircraft Corporation, and including the Plessey and General Electric Corporations, had been working on a plan to sell South Africa a complete guided-missile system. The discussions which the consortium was undertaking with the South African Government on this plan were still in the tentative stage.

The French news agency also reported from London that, although there was no immediate interest on the part of South Africa in acquiring an anti-aircraft defence system, the consortium led by the British Aircraft Corporation had simply drawn up a "sales plan" which had not yet reached the stage of an application for an export licence. The consortium reportedly envisaged selling South Africa "Thunderbird" or "Rapier" ground to air missiles as well as radar equipment.

According to the defence correspondent of the "London Times" of 16 March, the proposals for South African Air Defence could involve one of the biggest arms exports to the extent of £50 million.

On 17 March, a spokesman for the Foreign Office denied that the United Kingdom Government had undertaken any commitment to supply South Africa with a missile defence system. The British Government had not been seized with any request for such a system for South Africa. The spokesman for the Foreign Office went on to say that the British position with regard to the delivery of helicopters and certain spare parts for the South African navy under the Simonstown Agreements remained unchanged.

/...

A South African mission has been sent abroad to select advisers for the South African Government who would assist in acquiring certain types of maritime defence material. The South African Defence Minister, Mr. P.W. Botha, declared in Cape Town on 22 March 1971 that the South African mission would visit Europe, including the United Kingdom. However, he was reported to have said that the question of buying or manufacturing new military equipment did not arise from the moment. No other Government had pledged to sell South Africa any arms, he concluded.

The arrival of the South African mission in London led to the following clarification by spokesmen for the United Kingdom Government: (1) The mission which had already contacted the Defence Minister but not the Foreign Office aimed at selecting and appointing "technical advisors" for the eventual purchase of war materiel destined for maritime defence; (2) The British Government had given its authorization for the arrival of this mission at the request of the South African Government; (3) No commitment had been made by the British Government - and none had been requested - regarding the purchase of arms by this Study Mission.

On 11 March 1971, the External Affairs Minister of Canada, Mr. Mitchell Sharp, declared in Lagos, Nigeria, that there was no purpose of holding a meeting of the Commonwealth Committee on Indian Ocean security.^{1/} He held this view because three of the members of the Committee (India, Malaysia and Nigeria) had withdrawn from it. However, Canada had not withdrawn as such, he added.

^{1/} The Committee consisted of Australia, Canada, Jamaica, Kenya, United Kingdom, India, Nigeria and Malaysia.



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NOTE ON DEVELOPMENTS CONCERNING THE IMPLEMENTATION OF THE
ARMS EMBARGO AGAINST SOUTH AFRICA

Addendum

Rapporteur: Mr. Uddhav Deo Bhatt (Nepal)

On 25 April 1971, the Associated Press reported from Pretoria that South Africa has budgeted a record amount this year to maintain and modernize her armed forces. Spending for defence is being increased by \$83 million over last year's \$443 million. South Africa's version of a military industrial complex is booming.

Other reports in the press indicate that there is a remarkably close if little-known partnership between Israel and South Africa. According to an article published in The New York Times,^{1/} South Africa manufactures the Uzi submachine gun under licence. The Uzi is an Israeli invention and the licence was granted through Belgium. Official secrecy surrounding military matters is strict, but rumours circulating in Johannesburg indicate that after the Israelis secured plans of the French Mirage fighter engine through agents in Switzerland, they improved it and made blueprints available to the local authorities. The New York Times correspondent was unofficially told that a South African mission flew to Israel during the June war in 1967 to study tactics and use of weapons.

Arms manufacturers in several countries have been competing for lucrative contracts in South Africa. According to Le Monde of 3 April 1971, a mission of South African technicians and military men visited the United Kingdom and France in March 1971 to familiarize themselves with certain types of military equipment

^{1/} The New York Times, 30 April 1971.

currently produced in these countries. In France, the Breguet-Dassault company demonstrated to South African experts its maritime reconnaissance aircraft, Breguet-Atlantic, and its fighter, Mirage-Milan. The newspaper stresses the keen competition for the South African market; the United Kingdom seems to have better chances to sell anti-submarine frigates while France has a slight advantage to sell air-defence rockets and sea-to-sea missiles.

The United States is continuing its policy of supplying commercial aircraft with considerable military potential to South Africa. According to a Johannesburg radio broadcast on 15 April 1971, the United States Government has sanctioned the sale of light American aircraft to South Africa for reconnaissance and training purposes. The Bell helicopters are currently advertised in Johannesburg by the Bell dealer's office, whose mailing address is: Astra Aircraft, P.O. Box 31073, Total Centre, Johannesburg. Information about these helicopters can also be obtained by writing to: The Vice-President, International Marketing, P.O. Box 482, Fort Worth, Texas (Southern Africa, vol. IV, No. 3, March 1971).

Information contained in a document submitted to the Special Committee on Apartheid by the French Anti-Apartheid movement in March 1971, indicates that two firms from the Federal Republic of Germany have been rendering assistance to South Africa in developing its first rocket. They are: Waffen und Lufttruestune A.G. and Hermann Oberth Gesellschaft, Bremen.



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Note on developments concerning the implementation
of the arms embargo against South Africa

Addendum

Rapporteur: Mr. Uddhav Deo Phatt (Nepal)

According to a Jewish Telegraphic News Agency report of 3 May 1971 from Jerusalem, an Israeli Foreign Ministry spokesman stated that South Africa was manufacturing Israel's Uzi sub-machine-gun under a sub-licence agreement, but denied all other allegations of Israeli military, political and economic co-operation with the Republic of South Africa.^{1/}

The spokesman denounced as 'lies' the allegations by Mr. C. Sulzberger, The New York Times correspondent, that Israel had given South Africa the plans for the Mirage "Atar" jet engine which it had obtained illegally from a Swiss engineer, Alfred Frauenknecht, in 1968. Mr. Frauenknecht had been sentenced in Lausanne in April to four and a half years' imprisonment for selling the engine plans to Israeli agents. The Foreign Ministry spokesman conceded that South Africa was making the Uzi but said Israel was powerless to prevent it. He stated that a Belgian firm licensed to produce the weapon in 1955 had in turn sub-licensed it to a South African firm. When this had come to light, Israel had inserted a clause in all subsequent licensing agreements forbidding sub-licence to third parties without Israel's permission.

^{1/} See A/AC.115/L.285/Add.2, para. 2.

APPENDIX 38

EXCHANGE OF LETTERS BETWEEN CHAIRMAN DIGGS AND THE DEPARTMENT OF COMMERCE CONCERNING SALE OF BOEING AIRCRAFT AND SPARE PARTS TO RHODESIA

HON. FREDERICK B. DENT,
Secretary, Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: In connection with the recent illegal sale of Boeing aircraft and spare parts to the Rhodesian regime, I understand that export licenses were issued by the Department of Commerce for the export of the aircraft to Europe.

I would like to receive copies of the export licenses involved for each of the aircraft, and for the one-half-million dollars worth of spare parts which were apparently sold directly to Rhodesia from the United States. I should also like to have a complete report on what the Department of Commerce has done, or is contemplating, to enforce the provisions of the export license regulations with regard to these transactions.

Sincerely,

CHARLES C. DIGGS, JR.,
Chairman, Subcommittee on Africa.

DEPARTMENT OF COMMERCE,
Washington, D.C., June 18, 1973.

HON. CHARLES C. DIGGS, JR.,
Chairman, Subcommittee on Africa, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Dent has asked me to acknowledge your letter dated June 14 requesting certain information with regard to export of aircraft to Europe.

We will look into this matter and give you a further response at an early date.

Sincerely,

GEORGE J. PANTOS,
Deputy Under Secretary for Legislative Affairs.

DEPARTMENT OF COMMERCE,
Washington, D.C., August 2, 1973.

HON. CHARLES C. DIGGS, JR.,
Chairman, Subcommittee on Africa, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In further reply to your letter of June 14, I would like to advise you that the investigation concerning the delivery of three Boeing Model 720 aircraft and space parts to Southern Rhodesia is being actively pursued by the Department's Office of Export Control.

I can inform you that no U.S. Export Licenses were issued which authorized delivery of the aircraft and spare parts to Southern Rhodesia. The exportations from the U.S. were made in accordance with licenses which permitted delivery of the aircraft to an airline operator in the Federal Republic of Germany and the spare parts to a maintenance facility in Switzerland.

Information and documentation secured to date have established that the U.S. exporter was not involved in the subsequent unauthorized sale and reexportation of the aircraft and spare parts. Communications have been exchanged with various U.S. Foreign Service Posts in an effort to establish the identity of the

party responsible for the unauthorized sale and delivery of the aircraft and spare parts. It is indicated that the most knowledgeable source who could furnish the information is located in Switzerland. Provisions of the Swiss Commercial Secrecy Law may obstruct investigative efforts to establish the evidence needed to initiate administrative proceedings with a view to imposing sanctions against the responsible parties.

In regard to your request for copies of the export licenses which were granted for the aircraft and spare parts, I must advise you that under the confidentiality provisions of Section 7(c) of the Export Administration Act, such information is deemed confidential and may only be made available under limited circumstances.

As you know, Congress has provided that such information can only be provided following a determination by me that "the withholding thereof is contrary to the national interest." I am disposed, as were my predecessors, to make the required determination to provide such information for the official use of a Committee of Congress upon the written request of the Chairman with appropriate assurances that the confidential nature of the information will be maintained and that it will not be disclosed to anyone other than members of the Committee and its staff. Accordingly I suggest that you undertake to have Congressman Morgan request that information on behalf of his committee. To facilitate prompt consideration of the request, the Chairman's letter should explain the nature of the Committee's interest and its relation to our export control records, identify the information needed, and provide the necessary assurances that this information will be carefully safe-guarded from disclosure to anyone other than the members of the Committee and its staff.

I have instructed the Office of Export Control to inform you of the results of its investigation when it is completed.

Sincerely,

FREDERICK B. DENT,
Secretary of Commerce.

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